

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-22081
Issue No(s): 3002
Case No.: [REDACTED]
Hearing Date: February 10, 2014
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on February 10, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included [REDACTED], Assistant Payment Supervisor, and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's Food Assistance Program (FAP) application effective January 1, 2014, ongoing?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On December 5, 2013, Claimant applied for FAP benefits.
2. On December 10, 2013, the Department sent Claimant a Verification Checklist (VCL), which was due back by December 20, 2013. See Exhibit 1.
3. Claimant failed to submit the requested verifications by the due date.
4. On December 23, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP application was denied effective January 1, 2014, ongoing, due to her failure to provide the verifications. See Exhibit 1.

5. On January 6, 2014, Claimant filed a hearing request, protesting the FAP denial. See Exhibit 1.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (October 2013), p. 6. This includes completion of necessary forms. BAM 105, p. 6.

For FAP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verifications it requests. BAM 130 (July 2013), p. 5. The Department sends a negative action notice when: the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 6.

The Department verifies income at application and at redetermination. BEM 505 (July 2013), p. 13. Verify changes that result in a benefit increase or when change information is unclear, inconsistent or questionable. BEM 505, p. 13.

Verify income that stopped within the 30 days prior to the application date or while the application is pending before certifying the EDG. BEM 505, p. 13. If eligibility fails due to lack of verification of stopped income, a client who reapplies, does not need to verify stopped income if it has been over 30 days. BEM 505, p. 13.

In this case, on December 5, 2013, Claimant applied for FAP benefits. On December 10, 2013, the Department sent Claimant a VCL, which was due back by December 20, 2013. See Exhibit 1. Specifically, the VCL requested verification of Claimant's employment, home rent (shelter expenses), and checking account. See Exhibit 1.

First, the VCL requested verification of Claimant's employment. See Exhibit 1. Claimant testified that she did have difficulty in obtaining this verification. Claimant testified that her employment ended in August 2013. Claimant testified that she was unable to obtain the verification due to transportation issues. Moreover, Claimant testified that she contacted the former employer and stated the employer's fax was broken and they were

unable to fax the Department the employer verifications. The Department testified that it did not receive verification of her employment.

The Department testified that Claimant did not report any employment income in the application. Verify income that stopped within the 30 days prior to the application date or while the application is pending before certifying the EDG. BEM 505, p. 13. If eligibility fails due to lack of verification of stopped income, a client who reapplies, does not need to verify stopped income if it has been over 30 days. BEM 505, p. 13. The Department testified that it requested the verification of employment because its system showed that she had ongoing employment. The Department appeared to indicate that it did not have any report that her employment had ended. Claimant testified that she has been applying on and off with FAP benefits since August 2013. Claimant testified that she notified the Department multiple times that her employment had ended via telephone.

Second, the VCL requested verification of Claimant's home rent (shelter expenses). See Exhibit 1. Claimant testified that she submitted verification of the shelter expenses at the end of December 2013 and signed the logbook. The Department testified that it did not receive verification of her shelter expenses. The Department obtained the logbook for December 2013. Both parties reviewed the logbook during the hearing and did not discover any submission by the Claimant. After reviewing the logbook, Claimant testified that she submitted the shelter expenses again between January 1, 2014 to January 6, 2014.

Third, the VCL requested verification of Claimant's checking account. See Exhibit 1. Claimant testified that before the VCL was sent, she spoke with her bank on December 4, 2013. Claimant testified that her bank stated it would fax the October and November 2013 statements. The Department testified that it did not receive any bank verifications. Claimant then subsequently received the VCL request after she spoke with her bank and again, contacted her bank. Claimant testified that her bank would send her the statements; however, it would take time for delivery. Moreover, Claimant testified she was able to obtain her bank statements via the internet and had them present for today's hearing.

Based on the foregoing information and evidence, the Department properly denied Claimant's FAP application effective January 1, 2014, ongoing, in accordance with Department policy.

First, Claimant testified that she submitted her shelter expenses at the end of December 2013. Both parties review the logbook and did not discover any submissions for December 2013. Subsequent to reviewing the logbook, Claimant testified that she submitted the shelter expenses again between January 1, 2014 to January 6, 2014. However, the Department testified that it did not receive the shelter expenses.

Second, the Department testified that its system showed ongoing employment for the Claimant. Therefore, the Department testified that it requested the verifications even

though her employment had ended in August 2013. Claimant agreed that she did not list the employment on her application because it had ended. Moreover, Claimant testified that she notified the Department previously that her employment ended. A review of policy indicated that if the Claimant notified the Department that her employment ended, it should have not requested such verification. See BEM 505, p. 13.

Nevertheless, the Department did request verification of Claimant's checking account. Claimant appeared to make reasonable attempts to obtain verification from her bank, however, she was unsuccessful. Claimant then was able to obtain those verifications via the internet and stated she had them present at the hearing. The Claimant must complete the necessary forms in determining her initial and ongoing FAP eligibility. BAM 105, p. 6. Even if Claimant provided verification of her shelter expenses and policy excludes verification of her employment (See BEM 505, p. 13), she has failed to submit verification of her checking account. The Department is unable to obtain verification of her checking account. Claimant had such access via the internet and she was unable to provide it until today's hearing. Claimant testified that her bank faxed the bank statements; however, the Department credibly testified that it did not receive such verifications. Because the Claimant failed to submit verification of her checking account, the Department properly denied her FAP application effective January 1, 2014, ongoing, in accordance with Department policy. BAM 130, p. 6 and BAM 130, pp. 5-6.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it properly denied Claimant's FAP application effective January 1, 2014, ongoing.

Accordingly, the Department's FAP decision is AFFIRMED.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 18, 2014

Date Mailed: February 18, 2014

NOTICE OF APPEAL: The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

EJF/tlf

cc:

