

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-24980  
Issue No(s): 3002  
Case No.: [REDACTED]  
Hearing Date: February 27, 2014  
County: SSSPC-West-98

**ADMINISTRATIVE LAW JUDGE:** Darryl T. Johnson

**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 three-way telephone hearing was held on February 27, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist [REDACTED].

**ISSUE**

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits?

**FINDINGS OF FACT**

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

1. Claimant applied for FAP on October 8, 2013.
2. On October 8, 2013, the Department sent Claimant a Verification Checklist (VCL) (Exhibit 1 Pages 5-6). He was required to provide verification of a number of details by October 18, 2013. The documentation he had to provide was:
  - a. Savings Account/Christmas Club Account – Current bank statement or DHS 20 – Verification of Assets
  - b. Wages, Salaries, Tips, and Commissions – Last 30 days of check stubs or earnings statements; employer statement; DHS-38, Verification of Employment; DHS-3569, Agricultural Income Verification
  - c. Home/Building – Mortgage or deed; current tax records; bank; county records; court record; attorney

- d. Loss of Employment – Employment records; employer statement; DHS 38 – Verification of Employment
  - e. Mortgage – Current mortgage company or lender statement; condo/association statement; DHS-3688, Shelter Verification Form
  - f. Vehicle ownership – loan statement or payment book; SOS clearance; title, registration, or proof of insurance
  - g. Checking account – current bank statement; DHS 20 – Verification of Assets
3. In an October 31, 2013 Notice of Case Action, the Department informed Claimant that his FAP was denied effective October 8, 2013 because he had not provided “verification of loss of employment”.
4. On January 27, 2014, the Claimant requested a hearing (Exhibit 1 Page 3) on his benefits.

### **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. This includes completion of necessary forms; see Refusal to Cooperate Penalties in this item. Clients must completely and truthfully answer all questions on forms and in interviews.” BAM 105.

The Department ended Claimant’s benefits because he had not verified his loss of employment.

Per BEM 103, the Department is to:

“Send 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 instructs, with respect to the FIP, SDA, MA and AMP programs,

“A collateral contact is a direct contact with a person, organization or agency to verify information from the client. It might be necessary when documentation is not available or when available evidence needs clarification.

“The client must name suitable collateral contacts when requested. You may assist the client to designate them. You are responsible for obtaining the verification.”

BAM 130 does NOT place responsibility on the Department to make collateral contact for FAP applicants or recipients. For all programs, when it comes to verification, BAM 130 says:

“The client must obtain required verification, but you must assist if they need and request help.

“If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If no evidence is available, use your best judgment.”

The Claimant testified that he had called his case worker for clarification of what she meant by verifying his “loss of employment”. He submitted the verifications that he understood she was requiring. After he received the NCA he called again for an explanation and left a message for her but she did not return his call. Since the only verification mentioned in the NCA as missing was the loss of employment, presumably the Claimant provided all of the other verification. Also, Claimant had left one job through a placement service and started another job through a placement service in another county. He provided verification of his newer employment, which was presumably accepted by the Department.

The issue is whether the Claimant provided timely verification in response to the request, or at least made a reasonable effort to do so. The evidence is persuasive that the Verification Checklist was mailed to the Claimant at his address of record. The evidence also establishes that the Department believed Claimant did not fully respond to the loss of employment issue by the deadline. However, he was convincing in his explanation for his response. He called his case worker for an explanation of what she wanted. After his application was denied, he called again for an explanation but his call was not returned. And, after he filed his hearing request he reapplied and his application was approved. The testimony is convincing that Claimant made a reasonable effort to provide verification of his loss of employment.

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 closed Claimant's CDC benefits. It did not act in accordance with Department policy when it closed Claimant's FAP benefits.

**DECISION AND ORDER**

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Claimant's FAP benefit eligibility, effective October 8, 2013;
2. Issue a supplement to Claimant for any benefits improperly not issued.



**Darryl T. Johnson**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: February 28, 2014

Date Mailed: February 28, 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

DTJ/las

cc:

