

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-26200
Issue No(s): 3002
Case No.: [REDACTED]
Hearing Date: March 6, 2014
County: Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 March 6, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] the Claimant, [REDACTED] mother and Authorized Hearing Representative, and [REDACTED] father. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Family Independence Specialist.

ISSUE

Did the Department properly close the Claimant's Food Assistance Program (FAP) case based on a failure to comply with verification requirements?

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 January 15, 2014, Claimant applied for FAP.
2. On January 16, 2014, expedited FAP benefits were approved for Claimant.
3. On January 16, 2014, a Verification Checklist was issued to Claimant stating verification of home rent and checking account were needed by the January 27, 2014 due date.
4. On January 27, 2014, a Notice of Case Action was issued to Claimant stating the FAP case would close effective March 1, 2014 because verification of rent expense and checking account were not returned.
5. On January 31, 2014, Claimant provided a copy of her lease to the Department.

6. On February 7, 2014, Claimant filed a request for hearing contesting the Department's actions.

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.

Additionally, a Claimant must cooperate with the local office in determining initial and ongoing eligibility, including completion of necessary forms, and must completely and truthfully answer all questions on forms and in interviews. BAM 105.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. Verifications are considered timely if received by the date they are due. The Department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. The Department worker must tell the client what verification is required, how to obtain it, and the due date. The client must obtain required verification, but the Department must assist if the client needs and requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department worker should use the best available information. If no evidence is available, the Department worker is to use their best judgment. The Department is to send a case 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.

For FAP, if the client contacts the Department prior to the due date requesting an extension or assistance in obtaining verifications, the Department must assist them with the verifications but not grant an extension. The Department worker must explain to the client they will not be given an extension and their case will be denied once the due date is passed. Also, the Department worker shall explain their eligibility and it will be determined based on their compliance date if they return required verifications. BAM 130. The Department must re-register the FAP application if the client complies within 60 days of the application date. BAM 115 and BAM 130.

On January 16, 2014, a Verification Checklist was issued to Claimant stating verification of home rent and checking account were needed by the January 27, 2014 due date. There was no evidence that any verifications were returned by the January 27, 2014 due date. Claimant's mother testified that there was no way to get the copy of the lease to the Department by the due date because they did not receive the verification checklist in the mail until Saturday January 25, 2014. Further, there was a huge snow

storm. A voicemail was made to the Family Independence Specialist, who returned the call the next day. However, Claimant's mother acknowledged that they overlooked providing the checking account statement.

It is unknown why there was a delay with the postal service process for the January 16, 2014 Verification Checklist that it was not received by Claimant until January 25, 2014. However, the Department provided sufficient evidence that they followed the BAM 130 policy in requesting verifications needed to determine FAP eligibility, specifically verification of Claimant's rent and checking account. The Department allowed 10 days, told Claimant what verifications were required, how to obtain them, and the due date. Pursuant to the BAM 130 policy, the Department properly issued the Notice of Case Action stating the FAP case would close effective March 1, 2014 because verification of rent expense and checking account were not returned by the January 27, 2014 due date.

The case could have been re-instated with eligibility re-determined as of the date the requested verifications were provided if provided within 60 days of the application date. While the Department received the copy of the Claimant's lease on January 31, 2014, the requested checking account verification still had not been submitted. Accordingly, the Department could not re-register Claimant's FAP application at that time.

Claimant's mother testified they had the needed checking account verification with them at the March 6, 2014 telephone hearing proceedings. The Family Independence Specialist testified the Department will consider the checking account verification in re-determining Claimant's eligibility for FAP as of the date all requested verifications were submitted, March 6, 2014.

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 determined Claimant's FAP case would close based on a failure to comply with verification requirements and that it would remain closed when only the lease verification was provided.

DECISION AND ORDER

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



Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 14, 2014

Date Mailed: March 14, 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

CL/hj

cc:

