

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

IN THE MATTER OF:

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██████████████████
██████████████████

Reg. No.: 2014-28993
Issue No(s): 3002
Case No.: ██████████
Hearing Date: March 19, 2014
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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, telephone hearing was held on March 19, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant's authorized hearing representative, ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████, Assistance Payment Worker, and ██████████, Family Independence Manager.

ISSUE

Did the Department properly deny Claimant's FAP application for failing to provide proof of Retirement, Survivors and Disability Insurance (RSDI) income?

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 benefits on November 22, 2013.
2. The Department processed the application on December 13, 2013 and sent Claimant a Verification Checklist (VCL) on the same day.
3. The VCL required that Claimant submit specific documents, including proof of RSDI income and was due by December 23, 2013.
4. The Department received the requested documents on December 23, 2013.

5. On December 23, 2013, the Department sent Claimant a Notice of Case Action notifying him that his application for FAP benefits had been denied for failure to verify his RSDI income.
6. On February 24, 2014, Claimant filed a request for hearing disputing 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.

In this case, Claimant appeared for an interview regarding his application for FAP benefits on December 23, 2013; the same day his proofs were due. The assigned worker reviewed the application with Claimant but did not request to review any of the documents that were due that day. There is no dispute that Claimant is a disabled adult. However, Claimant's mother was not allowed to participate in the interview process. Additionally, Department policy requires that assistance be offered in gathering verification information when the individual has a disability. BAM 130 (July 2013), p. 1. It does not appear that any assistance was offered to Claimant in gathering any of the proofs due on December 23, 2013.

Claimant's mother testified that she placed all of the required documents in the assigned worker's hands, including proof of Claimant's RSDI income. The Department disputed that any documents were given directly to the assigned worker but acknowledged that all documents were received on December 23, 2013 except the proof of RSDI income. The assigned worker indicated that it was not her practice to accept documents from clients and that she required documents to be placed in the drop box. Notwithstanding this practice, there was nothing preventing the assigned worker from reviewing the documents and then requesting that the documents be placed in the drop box. Had the assigned worker reviewed the documents at the time of the interview, there would be no dispute as to what documents Claimant was submitting on December 23, 2013.

Claimant has reapplied and been approved for FAP benefits effective February 21, 2014. Upon reapplication, the Department received all required documents including proof of RSDI income. It seems reasonable that if the documents were provided with

the second application, they would have been provided approximately one month earlier with the initial application. The Department testified that it had no record of receiving the RSDI information. This does not necessarily mean that the documents were not submitted and subsequently misplaced or misfiled. Claimant's mother's testimony that she submitted the documents on December 23, 2013 is found to be credible.

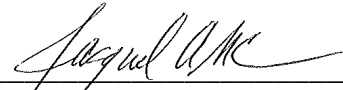
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied Claimant's FIP application.

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. Register and reprocess Claimant's November 22, 2013 FAP application;
2. Issue supplements to Claimant for FAP benefits he was eligible to receive but did not from November 22, 2013 ongoing; and
3. Notify Claimant in writing of its decision.



JACQUELYN A. MCCLINTON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 26, 2014

Date Mailed: March 26, 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

JAM/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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