

**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.: 2014-29962
Issue No(s): 3002
Case No.: ██████████
Hearing Date: May 7, 2014
County: Wayne (15)

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, a telephone hearing was held on May 7, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case for failure to return required documentation?

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 was an ongoing FAP recipient.
2. On January 14, 2014, the Department sent Claimant a redetermination to be completed and returned.
3. On January 30, 2014, the Department received Claimant's completed Redetermination which indicated that she had a ██████████ checking account and received child support. Claimant previously indicated that she had an account with ██████████.

4. On February 3, 2014, the Department sent Claimant a Verification Checklist (VCL) requesting proof of child support and a current statement from her bank with a due date of February 13, 2014. The Department also included a Verification of Asset form regarding [REDACTED].
5. On February 18, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FAP case would close for failure to verify requested information.
6. On February 20, 2014, the Department received a statement from [REDACTED] regarding Claimant's account as well as Claimant's handwritten letter saying that she would submit other requested information soon.
7. On February 27, 2014, Claimant submitted a statement from [REDACTED] regarding her account and also filed a Request for Hearing disputing the Department's action.

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, Department policy holds that if a client receiving FAP benefits contacts the Department prior to the due date requesting an extension or assistance in obtaining verifications, the Department is required to assist them with the verifications but cannot grant an extension. BAM 130 (January 2014), p. 6. Further, at redetermination, FAP clients have until the last day of the redetermination month or 10 days, whichever is later, to provide the verification. *Id.*

In this case, a Redetermination was sent to Claimant on January 14, 2014. The Department received the completed Redetermination on January 30, 2014. On February 3, 2014, the Department mailed Claimant a VCL on February 3, 2014 with a due date of February 13, 2014. On February 12, 2014, Claimant hand delivered a letter to the Department on February 12, 2014 indicating that her son was sick and that she would submit the remaining documents soon. Claimant did not explicitly request an extension but testified that was the purpose of the letter. However, Claimant did not provide any information that would have allowed the Department to assist with obtaining

the verification. As previously stated, the Department could not have extended the due date beyond February 13, 2014.

On February 20, 2014, Claimant submitted a bank statement from [REDACTED]. On February 27, 2014, Claimant submitted a bank statement from [REDACTED]. Claimant stated that as of the date of the hearing, she still had not obtained any documentation regarding child support.

Because Claimant failed to return the requested information by the February 13, 2014 due date, 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 FAP case.

DECISION AND ORDER

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



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

Date Signed: May 15, 2014

Date Mailed: May 16, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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.

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The party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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]
[REDACTED]