

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201431660
Issue No: 3002
Case No: [REDACTED]
Hearing Date: April 2, 2014
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

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 April 9, 2014 from Lansing, Michigan. Claimant appeared and provided testimony. The Department of Human Services (Department) was represented by [REDACTED] [REDACTED] an eligibility specialist with the Department's Oakland County office.

ISSUE

Whether the Department properly closed Claimant's Food Assistance Program (FAP) benefits for failure to return the required verification?

FINDINGS OF FACT

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

1. At all times relevant to this hearing, Claimant was a recipient of FAP benefits in the amount of \$ [REDACTED] per month for a FAP group size to two.
2. On February 10, 2014, the Department completed a Front End Eligibility (FEE) referral with findings establishing that Claimant's group member, Shatera Smith, was not residing with Claimant but had reported her home address to both her employer and the Secretary of State as [REDACTED]. (Department Exhibit 1)
3. On February 12, 2014, the Department issued Claimant a Verification Checklist (DHS 3503), requesting that Claimant provide verification that Shatera Smith remained in her household by submitting one of the following: driver's license, other ID with name and address, lease/mortgage agreement, rent receipt, utility bill, or collateral contact. The Department advised Claimant that her failure to provide the requested information or call her

specialist by February 24, 2014 may result in the denial, decrease, or cancellation of her benefits. (Department Exhibit 2)

4. Claimant failed to provide the requested verification by the February 24, 2014 deadline.
5. On February 25, 2014, the Department mailed Claimant a Notice of Case Action (DHS 1605), informing her that FAP benefits would be reduced from \$ [REDACTED] to \$ [REDACTED] per month effective April 1, 2014 due to her failure to timely provide the required verification of Shatera Smith's residential address, resulting in the removal of Shatera Smith from Claimant's FAP household. (Department Exhibit 3)
6. On March 5, 2014, Claimant requested a hearing contesting the department's reduction of her FAP benefits.

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

The Food Assistance Program (FAP) was established pursuant to the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The department administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.30001-3015. Department policies for the program are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Bridges Reference Manual (BRM), and the Reference Tables Manual (RFT).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. BAM 105. This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. BAM 105. Clients must take actions within their ability to obtain verifications. BAM 130; BEM 702. Likewise, DHS local office staff must assist clients who ask for help in completing forms. BAM 130; BEM 702; BAM 105. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in English. BAM 105.

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Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. The department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130. If the client is unable to provide the verification despite a reasonable effort, the department must extend the time limit at least once. BAM 130. . Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the department may send the client a negative action notice. BAM 130.

In the instant case, Claimant is disputing the Department's reduction of her FAP benefits for failure to timely provide the requested verification of Shatera Smith's residential address.

At the April 9, 2014 hearing, Claimant testified that her daughter, Shatera Smith, timely submitted a photocopy of her government issued identification card which indicated that her address was that of Claimant. Claimant presented at the hearing this same photocopy. However, the Department's representative, Heather Hembree, testified that, while the Department had no record that Shatera Smith had timely submitted such a document, based on Ms. Hembree's review of Claimant's copy of this document, it would have nonetheless been considered insufficient even if timely submitted because the photocopied identification did not include the backside of the identification, which is where the Secretary of State places any change of address updates.

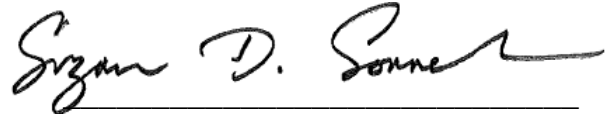
Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds that, based on the competent, material, and substantial evidence presented during the April 9, 2014 hearing, that the Department correctly reduced Claimant's FAP benefits for the benefit period effective April 1, 2014 due to failure to verify information.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's reduction of Claimant's FAP benefits for the benefit period effective April 1, 2014 due to failure to verify information. Accordingly, the Department's denial is **UPHELD**.

It is **SO ORDERED**.



Suzanne D. Sonneborn
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 9, 2014

Date Mailed: April 10, 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

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SDS/hj

cc:

