

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

IN THE MATTER OF:



Reg. No.: 2014-32148
Issue No(s): 3002
Case No.: [REDACTED]
Hearing Date: April 14, 2014
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 14, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and his wife, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Worker.

ISSUE

Did the Department properly deny Claimant's continued Food Assistance Program (FAP) benefits based on a failure to verify requested information?

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 3, 2014, Claimant submitted an application for FAP benefits.
2. On January 22, 2014, the Department sent Claimant a Notice of Case Action informing him that he was approved for FAP benefits for the period of January 3, 2014, through January 31, 2014. (Exhibit 1)
3. On January 22, 2014, the Department sent Claimant a Verification Checklist (VCL) requesting that he submit verification of his vehicle value, his wife's wages from

the last 30 days, vehicle ownership, home rent and bank account by February 3, 2014. (Exhibit 2)

4. On January 24, 2014, the Department sent Claimant a Wage Match Client Notice seeking verification of Claimant's employment at [REDACTED] by February 24, 2014. The Department sought verification of income from July 1, 2013, to present. (Exhibit 3)
5. On January 31, 2014, Claimant submitted verification of vehicle ownership, his wife's paystubs for the 30 days prior to the VCL, home rent, and proof of his bank account information.
6. On February 7, 2014, the Department sent Claimant a second VCL requesting that he submit verification of his vehicle value and his wife's income from December 2013 by February 18, 2014. (Exhibit 4)
7. On March 3, 2014, the Department sent Claimant a Notice of Case Action informing him that he was denied continued FAP benefits for February 1, 2014, ongoing, on the basis that he failed to verify requested information. (Exhibit 5)
8. On March 14, 2014, Claimant submitted a hearing request 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.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2014), p.1. To request verification of information, the Department sends a Verification Checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. FAP clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, pp.5-6. The client must obtain required verification, but the Department must assist if the client needs or requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information and if no available evidence is available, the

Department is to use its best judgment. BAM 130, p.4. For FAP cases, the Department sends a negative action notice when the client indicates a 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, p. 6.

The Department routinely matches recipient employment data with the Michigan Department of Energy, Labor & Economic Growth Unemployment Insurance Agency (UIA) through computer data exchange processes. These data exchanges assist in the identification of potential current and past employment income. BAM 802 (December 2013), p 1. When there is a discrepancy between the wage match information and the client's work history stated on an application or other information in the client's case record, the Department must request verification from the client by sending a Wage Match Client Notice (Wage Match). BAM 802, p. 2. If verifications are not returned by the 30th day, the case will close for a minimum of 30 days after appropriate actions are taken in the Department's system unless the client returns verifications. BAM 802, p 2.

In this case, the Department testified that although Claimant did timely submit some of the requested verifications, because the Department did not receive the completed Wage Match Client Notice, the requested proof of Claimant's wife's December 2013 income, and proof of vehicle value by the due date, it sent Claimant a Notice of Case Action informing him that he was denied continued FAP benefits for February 1, 2014, ongoing. (Exhibit 5).

At the hearing, Claimant confirmed that he received the VCLs and stated that he timely submitted all of the verifications that he had. Claimant wife testified that her paystubs are not available online and that she had to search for paper copies of her December 2013 paystubs. Claimant's wife credibly testified that after receiving the VCLs she contacted the Department to let her case worker know that she and her husband were having difficulty finding the December 2013 pay stubs and figuring out the value of the motorcycle.

Claimant and his wife further testified that although they did receive the Wage Match Client Notice, they did not understand the form or what was required of them, as Claimant had not been employed with [REDACTED] since August 2013 and he no longer had access to his employment information or paystubs online. Claimant's wife testified that the woman who works in the human resource department at [REDACTED] is not always available because she travels to the different plants within the company and could not be reached to complete the Wage Match. Claimant and his wife credibly testified that they contacted the Department to ask their case worker about what was required with respect to the Wage Match, however, their calls were not returned.

Under the facts in this case, Claimant and his wife made a reasonable effort to provide the information requested by the Department and did not indicate a refusal to provide the verifications. The paystubs provided by Claimant's wife should have been sufficient for the Department to prospectively budget income per policy, as 30 days' worth of income was available. Additionally, Claimant requested assistance in completing the

Wage Match and identified difficulties in obtaining the value of the vehicle requested by the Department. Therefore, the Department was to use the best available information and if no information was available, its best judgment.

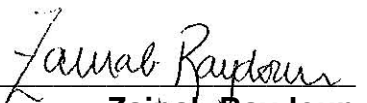
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it when it denied Claimant continued FAP benefits for February 1, 2014, ongoing, based on a failure to verify requested information.

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. Reinstate Claimant's FAP case effective February 1, 2014;
2. Issue supplements to Claimant for any FAP benefits that he was entitled to receive but did not from February 1, 2014, ongoing; and
3. Notify Claimant in writing of its decision.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 18, 2014

Date Mailed: April 18, 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

ZB/tlf

cc:

