

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

IN THE MATTER OF:

██████████
████████████████████
████████████████████

Reg. No.: 2014 35314
Issue No.: 3001
Case No.: ██████████
Hearing Date: May 27, 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, a telephone hearing was held on May 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████

ISSUE

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits due to failure to return verifications?

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 March 20, 2014.
2. The Department sent Claimant a Verification Checklist (VCL) on March 20, 2014 with the requested proofs due by March 31, 2014.
3. On April 14, 2014, the Department sent Claimant a Notice of Case Action denying her application for FAP benefits for failure to verify requested information.
4. On April 25, 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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

Additionally, verifications are usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2014), p. 1. In this case, Claimant applied for FAP benefits on March 20, 2014. The Department indicated that it mailed Claimant a VCL on March 20, 2014 with the requested proofs due by March 31, 2014. Claimant submitted several required documents online on March 20, 2014 at the time she applied for benefits.

The Notice of Case Action listed several documents that were not received by March 31, 2014, which caused Claimant's application for FAP benefits to be denied. However, the Department submitted a listing of all documents received from Claimant as of March 20, 2014. The Department acknowledged that it did not retrieve an updated list as of March 31, 2014, the due date and therefore did not know what documents, if any, Claimant submitted between March 21, 2014 and March 31, 2014.

Further, Claimant testified that she left several messages for her assigned worker prior to the deadline. Her calls were not returned until May 13, 2013. Claimant testified that her assigned worker informed her that the only document missing was the Verification of Employment. This implies that the Department received all of the other requested documents. Although Claimant was unable to specifically recall each document she uploaded on March 30, 2014, she was adamant that she uploaded the completed Verification of Employment form on that date. Accordingly, the Department has failed to establish that Claimant did not return all requested documents by March 31, 2014.

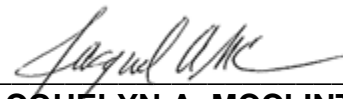
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied Claimant's March 20, 2014 application for FAP benefits for failure to return verifications.

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 March 20, 2014 FAP application;
2. Issue supplements to Claimant for any FAP benefits he was eligible to receive but did not from March 20, 2014, ongoing;
3. Notify Claimant in writing of its decision.



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

Date Signed: June 3, 2014

Date Mailed: June 3, 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.

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

2014-35314/JAM

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]