

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-017615
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: January 07, 2015
County: MACOMB-DISTRICT 36

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 January 7, 2015, from Lansing, Michigan. Participants on behalf of Claimant included himself. Participants on behalf of the Department of Human Services (Department) included ES [REDACTED] Hearing Facilitator [REDACTED] and Arabic [REDACTED].

ISSUE

Did the Department properly process Claimant's October 6, 2014, Food Assistance Program application?

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 October 6, 2014, Claimant submitted a Food Assistance Program application.
2. On October 17, 2014, Claimant was sent a Verification Checklist (DHS-3503). The required verifications were due on October 27, 2014.
3. On October 28, 2014, Claimant was sent another Verification Checklist (DHS-3503) which indicated it was for Medical Assistance.
4. On October 29, 2014, Claimant was sent a Notice of Case Action (DHS-1605) which stated the Food Assistance Program application was denied.
5. On November 3, 2014, Claimant submitted a bank statement for the period May 7, 2014 to June 6, 2014.
6. On November 7, 2014, Claimant submitted the same bank statement for the period May 7, 2014 to June 6, 2014 but it was certified as a closed account by the bank.

7. On November 24, 2014, Claimant was sent a Notice of Case Action (DHS-1605) which stated he was approved for Food Assistance Program benefits from November 1, 2014.
8. On November 26, 2014, Claimant submitted a hearing request.

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.

In this case Claimant was approved for Food Assistance Program benefits from November 7, 2014, when all required verifications were received. The October 29, 2014, Notice of Case Action (DHS-1605) described the subsequent processing provisions of Bridges Administration Manual (BAM) 115 Application Processing at pages 23 & 24.

Subsequent Processing

FAP Only

Proceed as follows when a client completes the application process **after denial** but within 60 days after the application date.

On or before the 30th day:

Re-register the application, using the **original** application date.

If the client is eligible, determine whether to prorate benefits according to initial benefits policy in this item.

Between the 31st and 60th days:

Re-register the application, using the date the client **completed** the process.

If the client is eligible, prorate benefits from the date the client complied.

The requirement to verify closure of the bank account at issue was explained to Claimant during an in person interview with ES Carra and an interpreter. Claimant did not request any assistance from the Department with regard to obtaining the required

verification. Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts, at page 3 states:

Obtaining Verification

All Programs

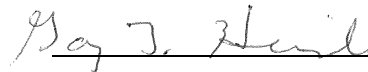
Tell the client what verification is required, how to obtain it, and the due date; see **Timeliness of Verifications** in this item. Use the DHS-3503, Verification Checklist (VCL), to request verification.

The client must obtain required verification, but the local office must assist if they need and request help.

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 processed Claimant's October 6, 2014, Food Assistance Program application.

DECISION AND ORDER

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



Gary Heisler
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **1/14/2015**

Date Mailed: **1/14/2015**

GFH/hj

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, 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

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

cc:

