

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-018722
Issue No.: 3002, 6002
Case No.: [REDACTED]
Hearing Date: March 03, 2015
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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.

Hearings were scheduled for January 28, 2015; February 5, 2015; and February 12, 2015, which were later adjourned. After due notice, an in-person hearing was scheduled for March 03, 2015, from Ypsilanti, Michigan. Due to transportation problems and weather conditions an in-person hearing was not held on March 3, 2015. A telephone hearing was held on March 3, 2015, from Lansing, Michigan.

Participants on behalf of Claimant included [REDACTED] and her attorney [REDACTED]. Claimant's oral request for an adjournment was denied on the record.

Participants on behalf of the Department included [REDACTED] as hearing facilitator and Assistant Attorney General [REDACTED].

ISSUE

Did the Department properly close the Claimant's Food Assistance Program (FAP) and Child Development and Care (CDC) benefits?

FINDINGS OF FACT

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

1. The Claimant was an ongoing Food Assistance Program (FAP) and Child Development and Care (CDC) recipient.
2. On October 14, 2014, the Department sent the Claimant a Verification Checklist (DHS-3503) requesting verification of income by October 24, 2014.
3. On October 16, 2014, the Department received a copy of a check and some other documents concerning the Claimant's employment.

4. On December 19, 2014, the Department notified the Claimant that it would close her Food Assistance Program (FAP) and Child Development and Care (CDC) benefits.
5. On December 29, 2014, the Department received the Claimant's request for a hearing protesting the closure of her Food Assistance Program (FAP) and Child Development and Care (CDC) benefits.

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.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (October 1, 2014), p 5.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (October 1, 2014), pp 1-9.

The Claimant was an ongoing Food Assistance Program (FAP) and Child Development and Care (CDC) recipient when the Department initiated a routine review of her eligibility to receive continuing benefits. On October 14, 2014, the Department sent the Claimant a Verification Checklist (DHS-3503) requesting, among other things, verification of her income by October 14, 2014.

On October 16, 2014, the Department received a copy of a paycheck, an employment work schedule, and her employer's contact information. The paycheck is a personal check without any type of earnings statement. The paycheck does not indicate the pay rate, number of hours worked, gross earnings received, or deductions from gross earnings.

Income is an eligibility factor for the Food Assistance Program (FAP) and Child Development and Care (CDC) programs and it is necessary for the Department to verify income.


The Claimant's attorney argued that the Claimant was willing to provide the Department with the information that was requested but that she was unable to obtain better verification documents. The Claimant testified that she believed that she had provided sufficient verification on October 16, 2014, for the Department to use its best judgment to determine her eligibility for benefits. The Claimant's attorney argued that the Department could have obtained any missing information by making a collateral contact with the Claimant's employer.

The Claimant had a duty to provide the Department with verification of her income. While the Department is authorized by policy to make collateral contacts to clarify information provided by the Claimant or other persons, the Department is not obligated to obtain information that is available to the Claimant. Nothing on the record supports a finding that the Claimant requested assistance with obtaining verification of her income or that she was unable to obtain it herself.

This Administrative Law Judge finds that the Claimant failed to make a reasonable effort to provide the Department with information necessary to determine her eligibility to receive benefits. 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 was acting in accordance with policy when it closed the Claimant's Food Assistance Program (FAP) and Child Development and Care (CDC) benefits.

DECISION AND ORDER

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



Kevin Scully
Administrative Law Judge
for Nick Lyon, Acting DHS Director
Department of Human Services

Date Signed: **3/6/2015**

Date Mailed: **3/6/2015**

KS/las

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 48909-07322

cc:

