

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

IN THE MATTER OF:



Reg. No.: 15-002431
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: April 14, 2015
County: KENT-DISTRICT 1 (FRANKLIN)

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 April 14, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included Family Independence Manager (FIM) [REDACTED] and Eligibility Specialist (ES) [REDACTED].

ISSUE

Did the Department properly deny Claimant's re-determination due to failure to submit required 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 was an ongoing recipient of Food Assistance Program benefits. Claimant's Food Assistance Program was due for re-determination by February 1, 2015. Claimant's benefit group consisted of herself, [REDACTED] and their two children in common.
2. On December 16, 2014, Claimant was sent a Redetermination (DHS-1010) which was due back by January 6, 2015.
3. On January 13, 2015, Claimant submitted the Redetermination (DHS-1010). Claimant reported that Larry Haack, moved out October 5, 2014 and might be moving back soon.
4. On January 27, 2015, Claimant was sent a Verification Checklist (DHS-3503). Claimant was also sent a Quick Note (DHS-100) explaining the need to have bank

verification of closed accounts and a Verification of Assets (DHS-20) for a Chase account ending in 1067. The required verifications were due back on February 6, 2015.

5. On February 5, 2015, the Verification of Assets (DHS-20) for a Chase account ending in 1067 was returned. It only showed information written on it from Claimant. It was not completed by the bank.
6. On February 10, 2015, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program ended as of February 1, 2015.
7. On February 13, 2015, 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.

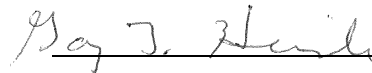
During the hearing, Claimant did not dispute that the Verification of Assets (DHS-20) for a Chase account ending in 1067 was not completed by the bank. Claimant testified that the account was in Larry Haack's name and she had previously been his authorized "payee" for the account. Claimant went on to testify that she was no longer on the account as of October 2014 when Larry left the household. Claimant asserts that the Department should not need verification of the account because it is Larry's, he is not in the household and she is no longer on the account.

Bridges Eligibility Manual (BEM) 400 Assets (2015) provides guidance on assets and their role in eligibility for assistance benefits. For purposes of Food Assistance Program eligibility an asset must be available to be countable. Available means that someone in the asset group has the legal right to use or dispose of the asset. Claimant testified that she previously had the legal right to use the funds in the account. In these circumstances, the Department needs to verify if the funds in the account are still available to Claimant regardless of whether Larry is still in the household. Claimant was properly informed by the Quick Note (DHS-100) that verification was required from the bank. Claimant did not provide the required verification.

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 denied Claimant's re-determination due to failure to submit required verifications.

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: **4/24/2015**

Date Mailed: **4/24/2015**

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:

