

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

IN THE MATTER OF:



Reg. No.: 15-005756
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: May 21, 2015
County: Genesee (6) Clio Rd

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on May 21, 2015, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included Hearings Facilitator [REDACTED].

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) 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. On November 10, 2014, the Department mailed to Claimant notice of a Redetermination Telephone Interview (Exhibit A Page 3), a Redetermination (Exhibit A Pages 4-9), and a Food Assistance Benefits Redetermination Filing Record (Exhibit A Pages 10-13).
2. On December 1, 2014, Claimant submitted pages 2, 4, and 6 of the Redetermination. (Exhibit A Pages 15-17.)
3. On January 7, 2015, the Department mailed to Claimant a Verification Checklist (VCL) which she was to complete and return by January 20, 2015. (Exhibit A Pages 22-27.)

4. On January 19, 2015, Claimant attempted to upload four pages in response to the VCL but only one of the pages was uploaded. (Exhibit A Page 28.)
5. On January 21, 2015, the Department mailed to Claimant a Notice of Case Action (NCA) informing her that her FAP would be closed effective March 1, 2015, because she did not verify her bank accounts in time. (Exhibit A Pages 30-31.)
6. On January 25, 2015, Claimant made another attempt to upload documents but only one page was uploaded. (Exhibit A Page 32.)
7. On February 9, 2015, Claimant submitted an online Change Report (Exhibit A Page 33) and uploaded four pages of documents dated January 19-20, 2015. (Exhibit A Pages 36-39.)
8. The Department received Claimant's hearing request on March 31, 2015.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Per BAM 130, at page 6, says:

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a negative action notice when:

The client indicates refusal to provide a verification, **or**

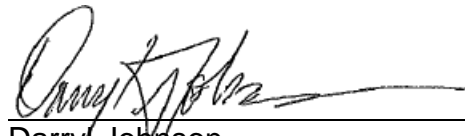
The time period given has elapsed and the client has **not** made a reasonable effort to provide it.

The issue is whether the Claimant cooperated, or made a reasonable effort to cooperate, with the Department in determining her eligibility. The evidence is persuasive that the Claimant attempted to submit a portion of the verification documentation using the online portal on the due date. She verified her shelter that day. Then, on January 25, 2015, she attempted to upload more documents. For unexplained reasons only one page of four was uploaded. Claimant testified that she had called her case worker to say she would be a few days late. However, she was required to submit the documentation by January 20, but she did not attempt to submit the bank account verification until January 25. She had the forms completed on January 19 and 20, so it was possible for her to submit them by the due date. When asked why she did not submit them by the deadline she explained that she had computer issues and then she got side tracked.

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 application for FAP benefits.

DECISION AND ORDER

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



Darryl Johnson
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **5/26/2015**

Date Mailed: **5/26/2015**

DJ/jaf

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

