

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

IN THE MATTER OF:

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██
████████████████████

Reg. No.: 15-007901
Issue No.: 3002
Case No.: ██████████
Hearing Date: June 18, 2015
County: WAYNE-DISTRICT 57
(CONNER)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 June 18, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. The Department of Health and Human Services (Department), after several notifications from MAHS that the hearing was called in by the Claimant, did not appear.

ISSUE

Did the Department properly close the Claimant's Food Assistance (FAP) case for failure to verify information?

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 Department issued a Notice of Case Action dated May 5, 2015 which closed the Claimant's FAP case effective June 1, 2015 for failure to verify assets (checking account information) and rent. Exhibit 1.
2. The Claimant provided the Department with the rent verification and social security income with his Hearing Request dated May 14, 2015. The Department admitted to receipt of this verification information in its Hearing Summary.
3. The Claimant provided the asset bank account information on June 15, 2015.

4. The Claimant requested a hearing on May 14, 2015 protesting the closure of the FAP case.

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.

In this case, the Department closed the Claimant's FAP case due to failure to verify information. The Department sent a Notice of Case Action dated May 5, 2015 closing the FAP case effective June 1, 2015. The Notice of Case Action indicates that the reasons for closure were due to failing to provide asset information previously requested and rent verification. Exhibit 1. Bank account statement for [REDACTED] was requested in a verification checklist sent to the Claimant. The Claimant conceded that he received a request for verification. The Department did not appear at the hearing. In its hearing summary the Department closed the case due to the failure to return assets regard bank account information from [REDACTED], not due to failure to verify shelter expenses. The Department's case information did not contain the verification checklist it sent on November 21, 2014 with a December 1, 2014 due date. The Claimant however testified that he received the verification request. The Department's hearing summary concedes that the Claimant returned the social security income and shelter verification on May 14, 2015 prior to case closure of June 1, 2015.

The verification of bank account information was not provided by the Claimant until June 15, 2015, after the case closure. Department policy provides:

Note: For FAP only, if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, assist the client with the verifications but do not grant an extension. Explain to the client they will not be given an extension and their case will be denied once the VCL due date is passed. Also, explain their eligibility will be determined based on their compliance date if they return required verifications. Re-register the

application if the client complies within 60 days of the application date; see BAM 115, Subsequent Processing.

Only **adequate** notice is required for an application denial. **Timely** notice is required to reduce or terminate benefits.

Exception: At redetermination, **FAP** clients have until the last day of the redetermination month **or** 10 days, whichever is later, to provide verification; see BAM 210. BAM 130 (7/1/15) p. 7

The Claimant concedes he received a verification checklist and did not provide the asset information until June 15, 2015. BAM 130 also provided:

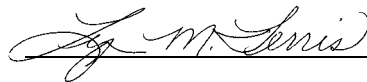
Send a negative action notice when:

- 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. Bam 130.p. 7.

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 properly closed the Claimant's case because the asset information was not submitted until June 15, 2015 by the Claimant's own admission and thus was well beyond the due date for submitting the asset verification. It is also noted that the Claimant received FAP benefits for 5 months after the verifications were due as a result of the Department's failure to take action. Thus it is determined that the Department acted in accordance with Department policy when it closed the Claimant's FAP case.

DECISION AND ORDER

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



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **6/18/2015**
Date Mailed: **6/18/2015**
LMF / cl

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:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]