

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

IN THE MATTER OF:



MAHS Reg. No.: 15-020721
Issue No.: 3002
Agency Case No.: [REDACTED]
Hearing Date: December 21, 2015
County: WAYNE-DISTRICT 76

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

Following Petitioner'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 December 21, 2015, from Detroit, Michigan. Petitioner was present for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Specialist and [REDACTED], PATH Coordinator.

ISSUE

Did the Department properly deny Petitioner's application for 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 [REDACTED], Petitioner applied for FAP benefits. (Exhibit A)
2. On [REDACTED], the Department sent Petitioner a Verification Checklist (VCL) instructing her to submit proof of her last 30 days of wages in the form of check stubs or a completed Verification of Employment (DHS-38) form by [REDACTED]. (Exhibit B)
3. On [REDACTED], Petitioner submitted check stubs dated [REDACTED], and [REDACTED]. (Exhibit C)

4. On [REDACTED], the Department sent Petitioner a Notice of Case Action informing her that the FAP application was denied on the basis that verification of her earned income was not returned. (Exhibit D)
5. On [REDACTED], Petitioner requested a hearing disputing the Department's actions with respect to her 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.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (July 2015), p.1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3.

With respect to FAP cases, clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, pp.6-7. The Department sends a negative action notice when the client indicates a 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, pp.6- 7.

Further, BAM 115 provides that if a client completes the application process after denial but within 60 days after the application date, the Department is to reregister the application using the original application date and if eligible, determine whether to prorate benefits according to the initial benefits policy, provided that the application process was completed on or before the 30th day. If the application process is completed between the 31st and 60th day, the Department is to reregister the application

using the date the client completed the process and if eligible, prorate benefits from the date the client complied. BAM 115 (October 2015), pp.23-24.

In this case, the Department testified that because the check stubs received on [REDACTED], did not contain 30 consecutive days of income and employment information, they were insufficient to determine Petitioner's eligibility for FAP benefits. On [REDACTED] the Department issued a Notice of Case Action informing her that the application was denied on the basis that she failed to provide verification of employment. At the hearing, Petitioner stated that she did not receive the VCL or the Notice of Case Action, despite the documents being mailed to the address of record. Petitioner testified that on [REDACTED] 5, she went to the Department's local office to inquire about her application as she had not heard anything from the Department yet. Petitioner stated that she was informed by a Department worker that her application was denied due to a failure to return employment verifications and that she was provided with a copy of a Wage Match and was instructed to have the form completed and returned to the Department. A calendar review after the hearing established that [REDACTED], was a Saturday.

Petitioner stated that she had the Wage Verification form completed by her employer and on [REDACTED], returned the form to the Department along with her wage history, which details her employment and pay. (Exhibit 1). A review of the documents presented by Petitioner which she stated were submitted to the Department on [REDACTED] establishes that the documents were printed on [REDACTED], and the wage history has Petitioner's pay information through [REDACTED]. (Exhibit 1). The Department denied ever receiving the completed Wage Match or wage history documents and stated that the only other income information received was check stubs submitted on [REDACTED], which would be more than 60 days after the application date.

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 because of the inconsistencies in Petitioner's testimony and the documents she presented for review, Petitioner failed to establish that she submitted sufficient income verifications to the Department and the Department acted in accordance with Department policy when it denied Petitioner's FAP application.

DECISION AND ORDER

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



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **12/23/2015**

Date Mailed: **12/23/2015**

ZB / hw

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:

