

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

**IN THE MATTER OF:**

████████████████████  
████████████████████  
████████████████████

Reg. No.: 15-000419  
Issue No(s): 3002; 4004  
Case No.: ██████████  
Hearing Date: February 11, 2015  
County: Macomb (12)

**ADMINISTRATIVE LAW JUDGE:** Eric J. Feldman

**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 February 11, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, ██████████; and Claimant's Authorized Hearing Representative (AHR), ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████, Hearings Facilitator.

**ISSUES**

Did the Department fail to process Claimant's Cash (State Disability Assistance (SDA)) program application dated December 15, 2014?

Did the Department properly deny Claimant's Food Assistance Program (FAP) application dated December 15, 2014?

**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 December 15, 2014, Claimant applied for FAP and SDA benefits. See Exhibit 1, pp. 23-25.
2. The Department sent Claimant a Verification Checklist (VCL) on December 10, 2014; however, this was the improper date as Claimant's application date was

December 15, 2014. See Exhibit 1, p. 7. The verifications were due back by December 22, 2014. See Exhibit 1, p. 7.

3. In the VCL, the Department requested verification of earnings, pension/retirement, home rent, and checking account. See Exhibit 1, pp. 7-8.
4. On December 19, 2014, Claimant timely submitted all of the verifications, except for the home rent. See Exhibit 1, pp. 6 and 9-10
5. On December 23, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FAP application was denied effective December 10, 2014, ongoing, due to her failure to return consecutive check stubs. See Exhibit 1, pp. 26-29. Claimant's effective denial date was improper as Claimant's application date is December 15, 2014. See Exhibit 1, pp. 23-25.
6. The Department improperly denied Claimant's FAP application based on a failure to comply with the verification requirements.
7. The Department failed to process Claimant's application for SDA benefits.
8. On January 9, 2015, Claimant filed a hearing request, protesting the Department's action. See Exhibit 1, pp. 12-14 and 17-22.

### **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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

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 State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the

Family Independence Agency) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

### **SDA application**

On December 15, 2014, Claimant applied for Cash benefits (SDA). See Exhibit 1, pp. 23-25. During the hearing, the Department acknowledged that it failed to process Claimant's Cash (SDA) application.

Any person, regardless of age, or her authorized representative (AR) may apply for assistance. BAM 110 (July 2014), p. 4. The Department must register a signed application or filing form, with the minimum information, within one workday for all requested programs. BAM 110, p. 19.

The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (July 2014), p. 14. For SDA applications, the Department certifies the program approval or denial of the application within 45 days. BAM 115, p. 15. However, there are exceptions to these benefits programs for processing times, which are described as follows: 60 days for SDA applicants. BAM 115, p. 15.

Moreover, if the group is ineligible or refuses to cooperate in the application process, the Department must certify the denial within the standard of promptness and also send a DHS-1605, Client Notice, or the DHS-1150, Application Eligibility Notice, with the denial reason(s). BAM 115, pp. 22-23. If approved, the Department sends the DHS-1605 detailing the approval at certification of program opening. BAM 115, p. 23.

Based on the foregoing information and evidence, the Department failed to process Claimant's Cash (SDA) application dated December 15, 2014, in accordance with Department policy. BAM 110, pp. 4 and 19 and BAM 115, pp. 14-23. The evidence presented that Claimant applied for Cash (SDA) assistance and the Department acknowledged that it failed to process the application. As such, the Department will register and process Claimant's SDA application dated December 15, 2014, in accordance with Department policy.

### **FAP application**

On December 15, 2014, Claimant applied for FAP benefits. See Exhibit 1, pp. 23-25. The Department sent Claimant a VCL on December 10, 2014; however, this was the improper date as Claimant's application date was December 15, 2014. See Exhibit 1, p. 7. The verifications were due back by December 22, 2014. See Exhibit 1, p. 7. In the VCL, the Department requested verification of earnings, pension/retirement, home rent, and checking account. See Exhibit 1, pp. 7-8. On December 19, 2014, Claimant timely

submitted all of the verifications, except for the home rent. See Exhibit 1, pp. 6 and 9-10. The Department indicated that Claimant's failure to provide verification of the home rent would not result in an application denial.

On December 23, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FAP application was denied effective December 10, 2014, ongoing, due to her failure to return consecutive check stubs. See Exhibit 1, pp. 26-29. Claimant's effective denial date was improper as Claimant's application date is December 15, 2014. See Exhibit 1, pp. Nevertheless, the Department acknowledged that it improperly denied Claimant's FAP application because she timely submitted the verifications.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (October 2014), p. 7. This includes completion of necessary forms. BAM 105, p. 7.

For FAP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verifications that is requested. BAM 130 (July 2014), p. 6. The Department sends 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. 6.

Based on the foregoing information and evidence, the Department did not act in accordance with Department policy when it improperly denied Claimant's FAP application dated December 15, 2014. The evidence presented that Claimant timely submitted her verifications and the Department acknowledged that it improperly denied the application. BAM 105, p. 7 and BAM 130, p. 6. As such, the Department will re-register and reprocess Claimant's FAP application dated December 15, 2014, in accordance with Department policy.

It should be noted that the Department testified that Claimant needs assistance in completing the application and/or forms. Policy states that the local office must assist clients who need and request help to complete the application form. BAM 115, p. 2. The time limit to respond to requests for help completing the application form depends on the circumstance:

- For clients in the local office, respond within one workday.
- For clients who send a letter, respond by a return letter or phone call within five workdays.
- For clients who telephone, respond by either of the following:
  - Return phone call within one workday.
  - Send letter within five workdays.

BAM 115, p. 2.

When help cannot be provided by phone call or letter within specified time frames, the Department completes a home call within five workdays. BAM 115, p. 2.

The local office must have designated staff to make home calls to help complete applications in all of the following:

- Sufficient help cannot be provided by telephone or letter.
- The client is physically unable to come to the office.
- The client has no one else to help or to come to the office on his/her behalf.

BAM 115, p. 2. Note, the cover page of DHS application forms advises clients of their right to receive help and includes the phone number of the DHS Customer Service Unit (517) 373-0707 to report a refusal of help. BAM 115, p. 2. As such, if the Claimant requests assistance in completing the application, the Department uses BAM 115 as policy guidance for the proper way of assisting the Claimant in completing the application. Nevertheless, BAM 115 clearly states that the local office must assist clients who ask for help in completing forms or gathering verifications. BAM 105, p. 13. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in English. BAM 105, p. 13. The poster, DHS Publication 478, Help Is Available, must be displayed in the local office lobby. BAM 105, p. 13. A section of the application form has the same title and information. BAM 105, p. 13. These documents tell clients that DHS must help persons fill out the application when requested. BAM 105, p. 13.

### **DECISION AND ORDER**

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 (i) did not act in accordance with Department policy when it failed to process Claimant's Cash (SDA) application dated December 15, 2014; and (ii) did not act in accordance with Department policy when it improperly denied Claimant's FAP application dated December 15, 2014.

Accordingly, the Department's FAP and Cash (SDA) decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate registration and processing of Claimant's SDA application dated December 15, 2014, in accordance with Department policy;
2. Initiate re-registration and reprocessing of Claimant's FAP application dated December 15, 2014, in accordance with Department policy;

3. Issue supplements to Claimant for any FAP and SDA benefits she was eligible to receive but did not in accordance with Department policy; and
4. Notify Claimant of its FAP and SDA decision in accordance with Department policy.



**Eric J. Feldman**  
Administrative Law Judge  
for Nick Lyon, Interim Director  
Department of Human Services

Date Signed: February 18, 2015

Date Mailed: February 18, 2015

EJF/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 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:

15-000419/EJF

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

CC:

[REDACTED]  
[REDACTED]  
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