

**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.: 15-011268
Issue No.: 3002
Case No.: ██████████
Hearing Date: August 10, 2015
County: Wayne-District 17

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 August 10, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and his mother, ██████████. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Family Independence Specialist and ██████████, Agency Translator.

ISSUE

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits on the basis that he failed to return requested 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. On May 26, 2015, Claimant submitted an application for FAP benefits.
2. On June 3, 2015, the Department sent Claimant a Verification Checklist (VCL) instructing him to return requested proofs by June 15, 2015. (Exhibit A)
3. On June 10, 2015, Claimant submitted a copy of his driver's license, permanent residency card, proof of vehicle title, and bank statement showing a deposit of his mother's SSI benefits.

4. On June 16, 2015, the Department sent Claimant a Notice of Case Action informing him that his application was denied on the basis that he failed to submit verification of his unearned income payment and residential address. (Exhibit B)
5. On June 22, 2015, Claimant submitted proof of his residential lease.
6. On June 24, 2015, Claimant submitted a letter showing proof of his mother's SSI benefit.
7. On June 24, 2015, Claimant requested a hearing disputing the denial of his FAP application.

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 (October 2014), 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 (January 2015), pp.23-24.

In this case, in connection with the FAP application submitted, the Department sent Claimant a VCL requesting that he submit certain proofs by June 15, 2015. (Exhibit A). The Department testified that because it did not receive any of the requested verifications by the due date, a Notice of Case Action was issued on June 16, 2015, denying the application based on a failure to submit proof of unearned income payment and residential address. (Exhibit A; Exhibit B).

Initially, the Department testified that it received the requested verifications on July 20, 2015. Later in the hearing and after reviewing the electronic case file, the Department testified that on June 10, 2015, it received proof of Claimant's bank statement, vehicle title, driver's license, and permanent residency card. The Department stated that on June 22, 2015, it received a letter from the Social Security Administration verifying that Claimant doesn't receive SSI, and that on June 24, 2015, it received proof of Claimant's residential lease. The Department did not explain why the documents that were received were not processed in accordance with the above policy.

At the hearing, Claimant confirmed receiving the VCL and stated that in response he submitted the requested documents. Claimant testified that he does not receive unearned income from SSI but that his mother receives SSI benefits that are directly deposited to his bank account, which he provided the Department with proof of on June 10, 2015.

Under the facts in this case, Claimant made a reasonable effort to provide the requested verifications and did not indicate a refusal to do so. Claimant timely submitted proof of his residential address and proof that he does not receive unearned income, thus a denial on that basis is improper. 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 did not act in accordance with Department policy when it denied Claimant's FAP application.

DECISION AND ORDER

Accordingly, the Department's 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. Register and process Claimant's May 26, 2015, application for FAP benefits;
2. Issue supplements to Claimant for any FAP benefits that he was entitled to receive but did not from May 26, 2015, ongoing; and
3. Notify Claimant of its decision in writing.



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

Date Signed: **8/12/2015**

Date Mailed: **8/12/2015**

ZB / tlf

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]