

**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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██████████████████
██████████████████

MAHS Reg. No.: 15-023269
Issue No.: 1002;3002
Agency Case No.: ██████████
Hearing Date: February 01, 2016
County: Wayne-District 17

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 February 1, 2016, from Detroit, Michigan. Petitioner appeared for the hearing and represented himself. The Department was represented by ██████████, Hearings Facilitator. ██████████ served as Arabic interpreter.

ISSUE

Did the Department properly deny Petitioner's Family Independence Program (FIP) application and close his Food Assistance Program (FAP) case 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 October 20, 2015, Petitioner submitted an application for FIP and FAP benefits.
2. On October 23, 2015, the Department sent Petitioner a Notice of Case Action informing him that he was approved for FAP benefits in the amount of \$298 for the period of October 20, 2015, to October 31, 2015, and that he was approved for FAP benefits in the amount of \$771 for the period of November 1, 2015, ongoing. (Exhibit B)
3. On October 23, 2015, the Department sent Petitioner a Verification Checklist (VCL) and associated verification forms. Petitioner was instructed to complete the forms

and return the requested verifications to the Department by November 2, 2015. (Exhibit A)

4. On November 3, 2015, the Department sent Petitioner a Notice of Case Action informing him that his FIP application was denied and that effective December 1, 2015, his FAP case would be closed on the basis that verifications requested were not returned. (Exhibit C)
5. On December 4, 2015, Petitioner requested a hearing disputing the Department's actions.

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 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 Department of Human Services) 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-.3131.

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 FIP and 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.

In this case, in connection with the FIP and FAP application that was submitted, the Department requested that Petitioner verify his assets, shelter information, self-employment income, and school attendance for two of his children. The Department sent Petitioner a VCL and related documents which he was instructed to complete and return to the Department by November 2, 2015. (Exhibit A). The Department stated that because it did not receive the requested verifications by the due date and because it did not receive any contact from Petitioner concerning the VCL or other verification forms prior to the due date, it initiated the closure of Petitioner's FAP case effective December 1, 2015, and denied his FIP application. The Department sent Petitioner a Notice of Case Action advising of the closure and application denial on November 3, 2015. (Exhibit C). The Department stated that the verifications were subsequently received on December 8, 2015; however, it was too late.

At the hearing, Petitioner confirmed receiving the VCL and attached verification forms. Petitioner stated that he was sick and unable to provide the documents to the Department by the due date. Petitioner stated that he provided the Department with a letter verifying his illness. Petitioner maintained that he submitted all of the requested documents to the Department 11 days after the November 2, 2015, due date listed on the VCL and disputed that the Department received the documents on December 8, 2015. Petitioner stated that he came to the local office and was informed that he needed to fax and mail the documents to the Department which he stated he did 11 days after the due date. Petitioner did not provide any supporting documentation such as a fax confirmation document in support of his testimony that the verifications were provided to the Department prior to December 8, 2015.

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 Petitioner's FIP application and closed his FAP case on the basis that he failed to timely return requested verifications. Petitioner is informed that he is entitled to submit a new application for FIP and FAP benefits should he so choose.

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: **2/3/2016**

Date Mailed: **2/3/2016**

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:

