

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

IN THE MATTER OF:



Reg. No.: 14-015647
Issue No.: 1002; 3002
Case No.: [REDACTED]
Hearing Date: December 8, 2014
County: WAYNE-DISTRICT 15
(GREYDALE)

ADMINISTRATIVE LAW JUDGE: Eric 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 December 8, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, [REDACTED]. Participants on behalf of the Department of Human Services (Department or DHS) included Vicki Hanks, Family Independence Specialist.

ISSUES

Did the Department properly deny Claimant's Cash (Family Independence Program (FIP)) application effective [REDACTED], 2014?

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits effective November 1, 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. Claimant was an ongoing recipient of FAP benefits.
2. On [REDACTED], 2014, Claimant applied for FIP benefits.
3. On September 25, 2014, the Department sent Claimant a Verification Checklist (VCL), which requested verification of Claimant's workers' compensation and it was due back by October 6, 2014. See Exhibit 1, pp. 4-5.

4. On October 10, 2014, the Department sent Claimant a Notice of Case Action notifying him that his Cash (FIP) application was denied effective September 16, 2014, for failure to provide verification of unearned income. See Exhibit 1, pp. 6-7.
5. On October 10, 2014, the Notice of Case Action also notified Claimant that his FAP benefits would close effective November 1, 2014, for failure to provide verification of unearned income. See Exhibit 1, pp. 6-8.
6. On November 5, 2014, Claimant filed a hearing request, protesting the FIP application denial and FAP case closure. See Exhibit 1, pp. 2-3.

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.

At the hearing, Claimant testified that he indicated in his FIP application that his workers' compensation had ended on August 11, 2014. The Department testified that it was unclear if this was indicated in the application. Nevertheless, on September 25, 2014, the Department sent Claimant a VCL, which requested verification of Claimant's workers' compensation and it was due back by October 6, 2014. See Exhibit 1, pp. 4-5. The Department testified that it never received the verification. In fact, the Department provided a copy of Claimant's electronic case file, which did not indicate any verifications were provided as of November 14, 2014. See Exhibit 1, pp. 1 and 11. As such, the Department denied Claimant's FIP application and closed his FAP benefits for failure to comply with the verification requirements. See Exhibit 1, pp. 6-8.

Claimant testified that he received the VCL dated September 25, 2014. Claimant testified that he provided proof of his workers' compensation ending both via mail and fax. First, Claimant testified he sent a copy of his last workers' compensation check and an e-mail (dated August 5, 2014) regarding his workers' compensation ending.

Claimant testified he mailed both documents above before the due date. Second, Claimant also testified that he faxed both documents above along with a cover page on or around September 29, 2014. Claimant testified that he faxed the documents to the number located on the VCL request. See Exhibit 1, p. 4. Claimant did not have a copy of the fax; however, he did provide a copy of the cover page, last check, and e-mail. See Exhibit A, pp. 1-3.

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.

The Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. BAM 130 (October 2014), p. 6. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 6. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. BAM 130, 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 improperly denied Claimant's FIP application and improperly closed Claimant's FAP benefits. Claimant credibly testified that he submitted the verification request before the due date. As a matter of fact, Claimant provided a copy of the cover page, last workers' compensation check information, and an e-mail to the Department. See Exhibit A, pp. 1-3. This documentation supports Claimant's assertion that he sent the verification on two different occasions before the VCL due date. Moreover, this shows that Claimant made a reasonable effort to provide the verifications to the Department before time period had elapsed. See BAM 130, p. 6. In summary, Claimant provided the necessary forms in order to determine his initial FIP and ongoing FAP eligibility. BAM 105, p. 7. As such, the Department will reprocess Claimant's FIP application and reinstate his FAP benefits because Claimant did comply with the verification requirements. See BAM 105, p. 7 and BAM 130, p. 6.


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 did not act in accordance with Department policy when it (i) improperly denied Claimant's FIP application effective [REDACTED], 2014; and (ii) improperly closed Claimant's FAP benefits effective November 1, 2014.

Accordingly, the Department's FAP and FIP 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 re-registration and re-processing of Claimant's Cash (FIP) application dated [REDACTED], 2014;
2. Begin issuing supplements to Claimant for any FIP benefits he was eligible to receive but did not in accordance with Department policy;
3. Reinstate Claimant's FAP case as of November 1, 2014;
4. Issue supplements to Claimant for any FAP benefits he was eligible to receive but did not from November 1, 2014; and
5. Notify Claimant of its FIP and FAP decision in accordance with Department policy.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/10/2014**

Date Mailed: **12/10/2014**

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:

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

cc:


Clarence Collins
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