

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Claimant,

Reg No: 2009-11324

Issue No: 3019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 9, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on April 9, 2009. The Claimant appeared and testified. Karen Christian, FIM and Veronica Osburn, FIA case manager appeared for the Department.

ISSUE

Whether the Department properly closed the Claimant's FAP case on 12/31/08.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds a material fact:

1. The Claimant was a FAP recipient since December 2006.
2. The Claimant moved her residence in July of 2009.
3. Claimant testified that she called the Department to notify of her change in address.

4. However, the Department indicated that Claimant failed to contact the Change Reporting Center with the address change.
5. The Department indicated that a letter went out to Claimant and other FAP recipients in March of 2008 informing clients of the new requirement to file with the Change Reporting Center. The Department further indicated that the reporting changes were located on the voicemail of workers and postings around the office.
6. The Department did not produce any evidence a letter was sent to Claimant regarding the Change Reporting Center requirement.
7. Claimant testified that she never received a letter notifying her of the Change Reporting Center requirements.
8. Claimant further testified that the only time she was in the Department office since the Change Reporting Center came into existence was September 2008 after Claimant believed that her changes had been noted.
9. Claimant also testified that she does not recall seeing postings regarding the change reporting center when she was in the office in September 2008. Claimant admitted that she was distracted at that time by her two year old son requiring surgery.
10. Claimant's FAP was closed on 12/31/08 for failure to report a change of address.
11. Claimant reapplied for FAP on 1/13/09 and is currently receiving food assistance.
12. On December 22, 2008, the Department received the Claimant's hearing request protesting the closure of the FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program, formerly known as the Food Stamp ("FS") program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal

regulations contained in Title 7 of the Code of Federal Regulations (“CFR”). The Department of Human Services (“DHS”), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual (“PAM”), the Program Eligibility Manual (“PEM”), and the Program Reference Manual (“PRM”).

Clients are required to report changes in circumstance that potentially affect eligibility or benefit amount. Changes must be reported within 10 days after the client is aware of them. These include but are not limited to, changes in”

- Persons in the home
- Marital Status
- Address and shelter cost changes that result from the move
- Vehicles
- Assets
- Child support expenses paid
- Health or hospital coverage and premiums
- Day care needs or providers (PAM 105, pp. 7-8.)

Caseworkers are required to explain reporting requirements to clients at application, redetermination and when discussing changes in circumstances. Changes may be reported in person, by mail or by telephone. A DHS 2240, Change Report Form, may be used by clients to report changes, but it is not mandatory. PAM 105 at 8.

In the record presented, Claimant testified credibly that she timely reported her address change to her caseworker and that she was unaware of the Change Reporting Center requirement. While the Department appears to have made every effort to inform clients of the new reporting center, there is no evidence to show that Claimant actually received notice of the

Change Reporting Center Requirement or that she was aware that such a requirement existed. Claimant discussed her move with her caseworker and reported the change in address to the Department, just not through the Change Reporting Center. Clearly, Claimant would now be on notice of the requirement to report to the Change Reporting Center in the future.

Based upon the foregoing facts and relevant law, it is found that there is no indication that the Claimant failed to comply with reporting an address change. Ultimately, it is found that the Department improperly closed the Claimant's FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly closed the Claimant's FAP case.

Accordingly it is ORDERED:

1. The Department's 12/31/08 FAP closure is REVERSED.
2. The Department shall reopen the Claimant's FAP case back to the date of closure, delete the negative action of 12/31/09 and supplement the Claimant for any lost benefits she was otherwise entitled to receive.

/s/

Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/16/09

Date Mailed: 04/16/09

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

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The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JV/dj

cc:

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