

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No.: 2009-20511
Issue No.: 2001/3008
Case No.:
Load No.:
Hearing Date:
July 23, 2009
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on August 16, 2007. The Claimant personally appeared and testified.

ISSUE

Did the Department properly close the Claimant's Food Assistance Program (FAP), and Adult Medical Program (AMP)?

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 February 3, 2009, the Department sent the Claimant various notifications including FAP and AMP eligibility notices which were erroneously returned as undeliverable by the United States Postal Service.

2. On March 3, 2009, the department closed the claimant's FAP and AMP because the above notices were returned as undeliverable
3. On April 9, 2007, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115) (a) (1) of the Social Security Act, and is administered by the Department of Human Services (formerly known as the Family Independence Agency) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Here, the Department closed the Claimant's case after the United States Postal service returned various notices as undeliverable.

At the hearing the department provided evidence that the postal service returned the mail because the forwarding time had expired.

The department correctly addressed the mail but the postal service, instead of delivering the mail as addressed returned the mail because the forwarding time had expired. The claimant had been having his mail forwarded to a post office box and when the forwarding time expired

he began to receive mail at his home as he had before. The claimant provided proof that he had received mail at the address that the department used both before and after this incident.

The Department cites PAM 210 and PAM 220 but neither item addresses undeliverable mail. Clients are required to notify the department of any changes.

Responsibility to Report Changes

All Programs

This section applies to all groups **except** most FAP groups with earnings. See [PAM 200](#), Food Assistance Simplified Reporting.

Clients must report changes in circumstance that potentially affect eligibility or benefit amount. Changes must be reported within 10 days of receiving the first payment reflecting the change.

Income reporting requirements are limited to the following:

Earned income:

Starting or stopping employment.

Changing employers.

Change in rate of pay.

Change in work hours of more than 5 hours per week that is expected to continue for more than one month.

Unearned income:

Starting or stopping a source of unearned income.

Change in gross monthly income of more than \$50 since the last reported change.

Exception #1: For Medicaid, clients must report a change in gross monthly income of more than \$25 since the last reported change.

Exception #2: Only certain changes affect eligibility for Healthy Kids before redetermination. See “**ONGOING ELIGIBILITY**” in [PEM 129](#) and [PEM 131](#).

See [PAM 220](#) for processing reported changes.

Other 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, p. 7).

Here, there were no changes to report. The claimant conducted his business with the department correctly and the department was correct in assuming that the claimant's residence had changed and he had not notified the department even though the department failed to cite the correct reason for its actions.

This ALJ finds that the closing of the claimant's case was incorrect because the claimant complied with the rules. The error really lies with the United States Postal Service.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES and ORDERS the Department to retroactively reopen the Claimant's cases back to the date of closure, replace any lost benefits, if applicable.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/23/09

Date Mailed: 09/23/09

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.

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.

MJB/jlg

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