

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: 2010-7628
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 24, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on March 24, 2010.

ISSUE

Did the Department of Human Services (DHS) place claimant's case into closure for a failure to return required verifications?

FINDINGS OF FACT

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

- (1) Claimant was a FAP and MA recipient in Wayne County.
- (2) Claimant case was put into negative action on November 18, 2009.
- (3) This was ostensibly because claimant failed to return required information.

- (4) No evidence was submitted as to what information claimant was required to return, no negative case action was submitted, and the Department was unable to testify as to why claimant's case was placed into negative action.
- (5) Claimant requested a hearing on November 12, 2009.

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 (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM) and Reference Tables (RFT).

Under normal circumstances, the undersigned would begin a recitation of the applicable law, and state exactly how it was relevant to the current case. However, these are not normal circumstances. During the course of the hearing, the Department was unable to submit or offer any relevant exhibits into evidence. The Department representative was not the representative who processed the negative action and had no knowledge of exactly why claimant's benefits were closed. None of the exhibits established why claimant's benefit case had been placed into

negative action. A case summary stated that claimant had failed to return required information, but there was no evidence as to what the information was, or whether it was information that claimant needed to return in the first place. Claimant testified that she was under the impression that her caseworker told her she had failed to attend an interview, but claimant denied failing to attend an interview.

Therefore, the Administrative Law Judge rules that the Department has not shown that claimant failed to return required information. The Department also has not shown that the negative action in this case was appropriate. No relevant documentary evidence was provided. The hearing packet contained only information that an action had been taken, and no information as to why that action had been taken, and would have been considered inadequate had the initial Department caseworker appeared.

For these reasons, the undersigned must hold that the Department has not proven their case, and has not shown why claimant's benefits were closed.

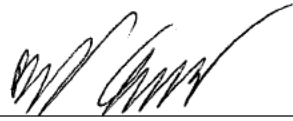
The Administrative Law Judge is under no burden to tell the Department of what is needed to prove their case, and will not argue the Department's case for them. If the Department fails to submit adequate evidence, the Administrative Law Judge will rule on the evidence that has been provided. In the current case, no relevant evidence has been provided. Therefore, the undersigned must rule that there was no violation of Department policies on the behalf of the claimant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that all negative actions taken against the claimant in November 2009 were incorrect.

Accordingly, the Department's decision in the above stated matter is, hereby,
REVERSED.

The Department is ORDERED to reinstate claimant's FAP case retroactive to the negative action date, November 18, 2009, and supplement claimant's benefits retroactive to the date of negative action. Furthermore, the Department is ORDERED to restore MA benefits to all members of claimant's household.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/27/10

Date Mailed: 04/27/10

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.

RJC/dj

cc:

