

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: 2010-16573
Issue No: 2001; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 4, 2010
Van Buren County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 4, 2010. Claimant appeared and testified.

ISSUES

- (1) Did the Department of Human Services properly close Claimant's Adult Medical Program (AMP) for failure to provide required verifications?
- (2) Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) for failure to provide 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 an ongoing recipient of Adult Medical Program (AMP) and Food Assistance Program (FAP) benefits. Claimant was residing with her brother, sister-in-law, and their children.
- (2) On July 10, 2009, Claimant's brother's home burned down.
- (3) On November 17, 2009, a Verification Checklist (DHS Form 3503) was sent to Claimant. The correspondence was sent to the address of the home that had burned down because that was the address that was still in the Department's data base.
- (4) On December 7, 2009, the Verification Checklist (DHS Form 3503) was returned to the Department by the Post Office as returned and unable to forward.
- (5) On December 14, 2009, a Notice of Case Action (DHS-1605) was sent to Claimant at the same address. The notice stated that Claimant's Adult Medical Program (AMP) and Food Assistance Program (FAP) would close on January 1, 2010. The notice was not returned to the Department.
- (6) On January 15, 2010, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

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 (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 Program Reference Manual (PRM).

In this case, Claimant submitted an application for assistance on March 26, 2009. Claimant listed herself as married, indicated she lived with her brother, sister-in-law and their three children, and listed a joint checking account with [REDACTED].

Claimant asserts that at the end of July when her brother got a new home, she called and left a message for her caseworker giving the new address. Claimant also asserts that a forwarding address card was given to the Post Office at that time.

The request for hearing Claimant submitted stated: "I should not have been violated until Sept. 26, 2009, that's when I started my job. I still need medicade (sic) because I have a pace maker and no insurance. My cardiologist doesn't want me to work. My caseworker never got my forms to me in a timely manner. I had to get a job to survive." Claimant did not address whether or not she reported her income to the Department.

Department caseworker Martinez testified that she does not specifically remember a phone message reporting the address change. Ms. Martinez testified that if she had received a change of address message she would have changed the address.

Based on the totality of the evidence in the record, and comparison of the risk or benefit consequences of the two witness' testimony on this issue, Ms. Martinez's testimony is found more credible. This Administrative Law Judge is not convinced that Claimant reported a change of address. Claimant's failure to cooperate with the Department and keep them informed of her

location leave Claimant responsible for the closure of her Adult Medical Program (AMP) and Food Assistance Program (FAP) cases.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Adult Medical Program (AMP) and Food Assistance Program (FAP) for failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 8, 2010

Date Mailed: March 25, 2010

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.

GFH/ [REDACTED]

cc:

[REDACTED]