

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.: 2010-24684
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 1, 2010
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 1, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly closed Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) benefits.

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 FAP recipient.
2. On an unknown date, DHS received information that Claimant received income from [REDACTED] [REDACTED] in 10/09-12/09.

3. Claimant's employment with [REDACTED] was not reported or verified.
4. Claimant submitted a hearing request on 1/13/10 regarding closure of FAP and MA benefits.
5. In 2/2010, DHS closed Claimant's FAP and MA benefits due to her failure to verify her employment.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

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 (formerly known as the Family Independence Agency) 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 Reference Tables Manual (RFT).

Claimant's hearing request was submitted on 1/13/10. The request contained zero information about what DHS actions led to the submission of the hearing request; Claimant did not even identify what programs were affected by DHS action. DHS completed a Hearing

Summary which similarly contained no helpful information about actions taken by DHS prior to the hearing request.

The undersigned asked Claimant what action DHS took that led to Claimant's hearing request. Claimant responded that her hearing request was in response to closure of MA and FAP benefits. DHS testified that the closure was caused by Claimant's failure to verify starting and stopping employment with [REDACTED]. It was not disputed that Claimant had employment income from [REDACTED] sometime in 10/09-12/09. DHS testified that a request was made to verify the stoppage in employment. Claimant admitted not verifying that the income started or stopped.

Clients must verify all non-excluded income. BEM 500 at 6. Case closure is appropriate for clients that fail to verify employment income. BAM 220.

All that DHS needed to support the closure was the Notice of Case Action which would have verified why the case was scheduled for closure prior to Claimant's 1/13/10 hearing request. DHS was given time after the hearing to submit the applicable Notice of Case Action. DHS instead submitted a FAP Appointment Notice and a Notice of Case Action from 2/22/10; neither document proved why DHS closed Claimant's case in 1/2010. Because DHS was unable to verify the purpose for the FAP and MA closure, the undersigned cannot find that any 1/2010 closure of Claimant's case was appropriate.

Though DHS failed to prove a proper closure occurred for this hearing, DHS may take future actions against Claimant's admitted failure to verify her employment. However, in doing so, Claimant would have to be given proper notice and an opportunity to submit the needed verification before case closure occurred.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's FAP and MA benefits. It is ordered that Claimant's FAP and MA benefits be reinstated to the level that occurred prior to termination subject to other factors which may affect Claimant's eligibility.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 4/27/2010

Date Mailed: 4/27/2010

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.

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