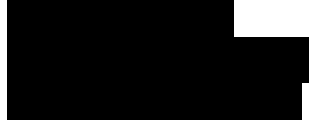


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201044324
Issue No: 1032; 2015; 3014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 18, 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 August 18, 2010.

ISSUE

Did the Department of Human Services (DHS) correctly close claimant's FAP, FIP and MA cases?

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, FIP, and MA recipient in Wayne County.
- (2) Claimant's benefit cases were allegedly placed into closure on June 30, 2010, because her son moved back into her house and took custody of his son, which rendered her ineligible for all programs.
- (3) No evidence was submitted to document this allegation.

- (4) No evidence was submitted to justify closure of any programs.
- (5) Claimant presented evidence at the hearing that rebutted DHS allegations.
- (6) On July 8, 2010, claimant requested 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 (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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or Department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. 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 submitted one exhibit: Exhibit 1 consisting of the hearing summary. No other evidence was offered, including notices of the case action. The only evidence offered was testimony that claimant's benefit case—for FIP, FAP and MA—was closed because claimant's son moved back into the house and took custody of his son; claimant therefore no longer had an eligible child for which to receive benefits.

The undersigned asked the Department if it wished to offer any more supporting evidence and was told by the Department that they were satisfied with their case.

Therefore, the Administrative Law Judge rules that the Department has utterly failed to meet their burden of proof in proving that claimant was correctly terminated from her benefit cases. No evidence was offered that the Department's decision was correct, other than the caseworker's testimony. No documentary evidence was provided. The Department's case packet consisted of 1 page, which was the hearing summary. For these reasons, the undersigned must hold that the Department has not proven their case.

The Administrative Law Judge is under no burden to remind 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 evidence has been provided. Even if the undersigned were willing to take the Department's testimony at face value, no explanation was offered as to why the claimant's FAP case was closed—a program that does not rely upon having an eligible child in the home. The Department mentioned that claimant had not provided required information, but did not specify what that information was, and then countered its own testimony by stating that the son moving into the home was the actual event that caused all benefit cases to close.

Therefore, the undersigned must rule that the claimant's benefit cases were closed incorrectly.

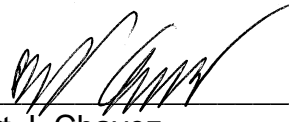
Furthermore, the claimant presented documentary evidence, which was not rebutted by the Department, showing that her son did not live in the home. While this evidence would not normally establish a prima facie case, the evidence was not disputed by the Department, and as the only actual exhibit offered into evidence by either side, must stand as determinative. Therefore, the Administrative Law Judge holds that claimant's son does not live in the house, and FIP, FAP, and MA eligibility should not have ceased.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department has not presented evidence of a correct case closure.

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

The Department is ORDERED to reinstate claimant's FAP, FIP and MA benefits, retroactive to the date of case closure. The Department is FURTHER ORDERED to issue any supplemental benefits to which the claimant is otherwise entitled.



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

Date Signed: 08/26/10

Date Mailed: 08/27/10

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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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:

