

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARINGS SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**

[REDACTED]

Reg. No. 201132490  
Issue No. 3008  
Case No. [REDACTED]  
Hearing Date: June 6, 2011  
Wayne County DHS (76)

**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 held on June 6, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED] Specialist, and [REDACTED], Manager, Specialist, appeared and testified.

**ISSUE**

Whether DHS properly terminated Claimant's Food Assistance Program (FAP) benefits due to an alleged failure by Claimant to truthfully report her household circumstances.

**FINDINGS OF FACT**

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

1. Claimant was an ongoing FAP benefit recipient.
2. Claimant reported on her Assistance Application (Exhibit 1) that she is homeless and used the [REDACTED] address as a mailing address.
3. Claimant provided DHS with an identification card (Exhibit 2) that listed a previous street address ([REDACTED]) on the front of her identification card.
4. The back of Claimant's identification card listed an address of [REDACTED]
5. DHS commenced an investigation which resulted in the following information: the resident of [REDACTED] had no idea who Claimant was, there was no

such address for [REDACTED] a card was left at Claimant's mailing address asking for a return call though none was made and Claimant's phone number was called but resulted in a wrong number

6. On an unspecified date, DHS terminated Claimant's FAP and MA benefits effective 6/2011 on the basis of Claimant failing to provide truthful information.
7. On 5/5/11, Claimant requested a hearing disputing the FAP and MA benefit termination.

### **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). DHS (formerly known as the Family Independence Agency) administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

The undersigned will refer to the DHS regulations in effect as of 4/2011, the month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

The client's address must be verified at application. BPB 2011-001 at 6. BEM 220 has a list of acceptable verifications. *Id.* In the present case, DHS alleged Claimant failed to truthfully report her address. Address is a required verification so a truthful reporting is an implied requirement.

A homeless person is an individual who lacks a fixed and regular nighttime dwelling or whose temporary nighttime dwelling is the home of another person. BEM 220 at 2. Lack of a permanent dwelling or fixed mailing address does not affect an individual's state residence status. *Id.* Assistance cannot be denied solely because the individual has no permanent dwelling or fixed address. *Id.*

Claimant's application stated that she is a homeless individual. Claimant provided testimony about her homelessness and stated that she lives from house to house. Claimant's testimony was not particularly persuasive. When Claimant was asked questions such as the address where she spent last night and the names of people that she stayed with, Claimant provided slow and somewhat vague answers. Claimant's testimony made the undersigned appreciate why DHS would have been skeptical about

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its content. However, despite the lackluster persuasiveness of Claimant's testimony, there was also no substantive reason to particularly doubt its accuracy.

DHS was skeptical enough of Claimant's claim of homelessness that an investigation was commenced. The investigation details were based on hearsay details but for purposes of this decision, those details will be considered.

The investigation first alleged that a resident living at Claimant's address that matches the front of her identification does not know Claimant. The undersigned sees no significance in a resident at Claimant's former address not knowing Claimant. This does not make Claimant any less truthful.

The investigation also discovered that the back of Claimant's identification had an address which does not exist. This information is somewhat relevant though the undersigned sees no reason what Claimant would have to gain by purposely misreporting an address to the Secretary of State. This evidence tends to make Claimant slightly less truthful, but only marginally so.

The investigation also alleged that a card was left at Claimant's mailing address requesting a phone call and no return call was made. The undersigned knows of no requirement that someone at a mailing address verify Claimant's whereabouts to DHS. Again, the information makes Claimant only marginally less credible.

Lastly, Claimant's reported telephone number was allegedly called and reportedly led to a person not Claimant. Even assuming Claimant lied about the phone number, it has little impact on Claimant's reporting of homelessness.

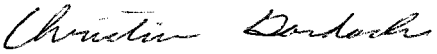
Overall, there is some basis for DHS to be skeptical concerning Claimant's claim of homelessness. As previously stated, Claimant's testimony was unimpressive. However, the investigation undertaken by DHS did little to establish any untruthful reporting by Claimant. Though the undersigned agrees with DHS that there is reason to be skeptical about Claimant's homelessness, there is not enough evidence to justify the termination of FAP and MA benefits based on untruthful reporting.

**DECISION AND ORDER**

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 effective 6/2011. It is ordered that DHS:

- reinstate Claimant's FAP and MA benefits effective 6/2011; and
- supplement Claimant for any benefits not received as a result of the improper termination.

The actions taken by DHS are REVERSED.

  
Christian Gardocki  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

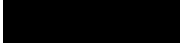
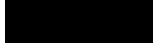
Date Signed: June 14, 2011

Date Mailed: June 14, 2011

**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 of the rehearing decision.

CG/ctl

cc:   
Wayne County DHS (76)/1843  
  
Christian Gardocki  
Administrative Hearings