

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

IN THE MATTER OF:



Reg. No.: 201145531
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: August 24, 2011
Wayne County DHS (17)

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 August 24, 2011 from Detroit, Michigan. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Food Assistance Program (FAP) benefit application due to an alleged failure by Claimant to verify her address.

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. On 6/28/11, DHS received returned mail previously sent to Claimant's reported address.
3. The returned mail was labeled "return to sender; no such number; unable to forward" (see Exhibit 1).
4. On 7/11/11, DHS initiated termination of Claimant's FAP benefits effective 8/2011 due to the alleged failure by Claimant to verify her address.
5. On 7/26/11, Claimant requested a hearing to dispute the FAP 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 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 7/2011, 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/>.

For FAP benefits, DHS is to verify that the individual lives in the area that the DHS office serves. BEM 220 at 5. Also, FAP group composition (see BEM 212) is a factor in a FAP benefit determination. Where Claimant lives affects with whom Claimant lives thereby making an address an appropriate concern for DHS.

In the present case, DHS became skeptical of Claimant's reported address after a letter sent to Claimant was returned from the United States Postal Service (USPS) because "no such number" existed. DHS also pointed to employment check stubs Claimant submitted which contained an address different from her reported address as evidence that Claimant's address was invalid. As a result, DHS initiated termination of Claimant's FAP benefits.

Claimant testified she resided at her reported address. Claimant testified that she has had problems receiving mail with the USPS and should not be held accountable for USPS delivery issues. Claimant also testified that her employment checks are direct deposited to a bank account rather than mailed, therefore, updating her mailing address with her employer was not a high priority. Claimant testified that she has since updated the address to her current mailing address. Claimant also presented DHS with an identification that verified the address on the identification matches her reported address.

Though DHS may have had a basis to be skeptical that Claimant resided at her reported address, the evidence established that Claimant reported a valid address. An adverse action to a client's case should not be primarily made on the mistake of a third party, in this case, a mistake by USPS. Claimant's testimony concerning the discrepancy between her DHS reported address and employer address was reasonable; if Claimant had no particular reason to update her employer address it

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would make sense that she would not. Claimant's identification further supported her testimony.

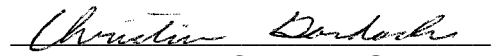
Though the DHS specialist acted reasonably, the presented evidence established that Claimant reported a valid address to DHS. Accordingly, the termination of FAP benefits based on an allegedly misreported address was improper.

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 benefits effective 8/2011. It is ordered that DHS:

- (1) reinstate Claimant's FAP benefits effective 8/2011; and
- (2) supplement Claimant for any FAP 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: August 26, 2011

Date Mailed: August 26, 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.

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