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

IN THE MATTER OF:



Reg. No.: 2011-52981 Issue No.: 3019, 6019

Case No.:

Hearing Date: November 9, 2011
County: Wayne (82-76)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, an-in person hearing was held on November 9, 2011, from Detroit, Michigan. Participants on behalf of Claimant included of Department of Human Services (Department) included

ISSUE

Did the Department properly close Claimant's Child Development and Care (CDC) benefits and Food Assistance Program (FAP) case?

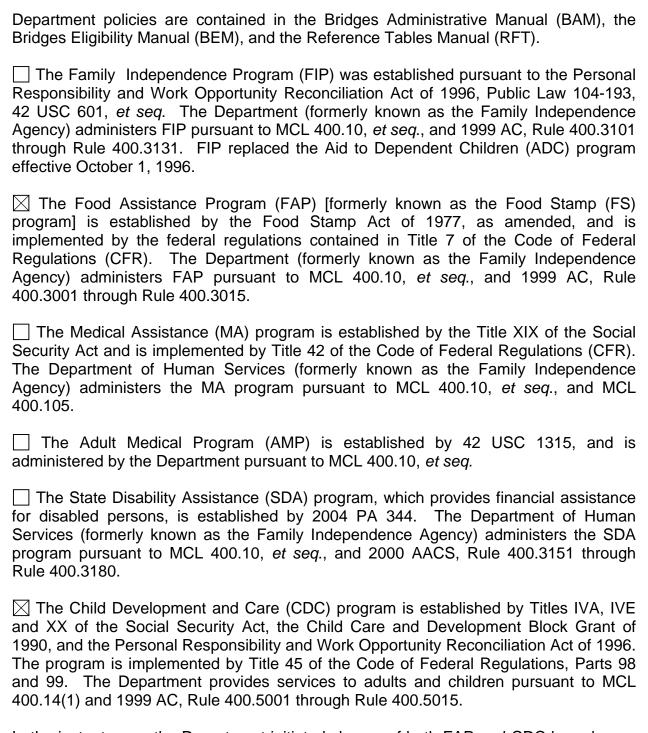
FINDINGS OF FACT

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

- 1. On February 14, 2011, Claimant applied for FAP and CDC. FAP was, in fact, opened.
- 2. On June 19, 2011, reapplied for CDC.
- 3. On June 27, 2011, the Department had a wage match returned, resulting in FAP and CDC closure.
- 4. On August 10, 2011, Claimant requested a hearing

5. August 15, 2011, a notice of case closure was sent to Claimant based on a verification of employment completed by the incorrect employer

CONCLUSIONS OF LAW



In the instant case, the Department initiated closure of both FAP and CDC based upon wage and address issues. The Department was provided a verification of employment.

The Department reasoned the verification was insufficient and initiated case closure. The Department failed to utilize the best available information or, at a minimum, request another verification to resolve any conflicting information they may have received.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department improperly closed Claimant's CDC and FAP cases.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly. did not act properly.
Accordingly, the Department's \square AMP \square FIP \boxtimes FAP \square MA \square SDA \boxtimes CDC decision is \square AFFIRMED \boxtimes REVERSED for the reasons stated on the record.
oxtimes THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

- 1. Reopen Claimant's CDC benefits back to May 2011 if found eligible;
- 2. Reopen Claimant's FAP case, if eligible, and determine any loss in benefits back to September 2011.

Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 22, 2011

Date Mailed: November 22, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome
 of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

JWO/pf

