

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

IN THE MATTER OF:



Reg. No: 201125731
Issue No: 3008
Case No: [REDACTED]
Hearing Date: May 12, 2011
Kent County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 May 12, 2011. The claimant appeared and testified.

ISSUE

Was noncompliance with verification requirements established?

FINDINGS OF FACT

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

- (1) On November 1, 2010, the DHS requested employment information by November 22, 2010, which was extended to November 29, 2010, and verbally extend it to December 9, 2010, by 5 pm; the verification was not submitted.
- (2) The claimant testified under oath that she was having difficulty with obtaining the employment verification and kept her caseworker informed.
- (3) The DHS representative attempted to establish its negative action by hearsay statements of the claimant's caseworker whose was on pregnancy leave of absence at the time of the 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 Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The facts above are undisputed:

In a contested case the rules of evidence as applied in nonjury civil case in circuit court shall be followed. MCL 24.275.

Parties may cross-exam a witness, including the author of a document (missing DHS caseworker) offered in evidence by the DHS. MCL 24.272(4).

The ALJ finds the testimony under oath by the claimant more trustworthy and reliable than the hearsay statements by the absent caseworker, and finds noncompliance with verification requirements has not been established by the necessary competent, material, and substantial evidence on the whole record.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that noncompliance with verification requirements was not established.

Accordingly, FAP termination is REVERSED and reinstatement of benefits within 10 work days is ORDERED.

/s/
William Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 26, 2011

Date Mailed: May 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

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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 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.

WAS/ar

cc:

