

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

IN THE MATTER OF:



Reg. No: 201237387
Issue No: 3008, 4003
Case No: [REDACTED]
Hearing Date: April 3, 2012
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 April 3, 2012. The claimant personally appeared and provided testimony.

ISSUES

Whether the department properly closed the claimant's Food Assistance Program (FAP) and State Disability Assistance (SDA) benefits for failure to submit the requested verifications?

FINDINGS OF FACT

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

1. The claimant was a recipient of FAP and SDA benefits.
2. On January 20, 2012, the department sent the claimant a verification checklist asking that a verification of vocational rehabilitation status form (DHS 4698) be returned by January 30, 2012. (Department Exhibits 1-2).
3. The department never received the completed DHS 4698.
4. The department then sent the claimant a notice of case action (DHS 1605) on February 2, 2012, informing him that his FAP and SDA benefits would be closing as of February 2, 2012 due to his failure to return the requested verification. (Department Hearing Summary).
5. The claimant filed a hearing request on February 14, 2012, protesting the closure of his FAP and SDA cases.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 Program Reference Manual (PRM).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In the case at hand, the department representative testified that the claimant was asked to have the DHS 4698 completed and that this form is no longer used by Michigan Rehabilitation Services. The department representative then testified that the department was willing to allow the claimant to submit the required verifications, re-determine the claimant's eligibility, and if the claimant was found to be otherwise eligible, reinstate benefits back to the date of negative action. The claimant testified that this course of action was satisfactory to him and that said course of action would alleviate the need for a hearing request.

MCL 24.278(2) provides a disposition may be made of a contested case by stipulation or agreed settlement. In the case at hand, the department representative testified that the department was willing to allow the claimant to submit the required verifications, re-determine the claimant's eligibility, and if the claimant was found to be otherwise eligible, reinstate benefits back to the date of negative action. The claimant agreed with this course of action. Therefore, the parties agree as to what the proper course of action to be taken in this matter should be. Because both parties agree as to what action should be taken to resolve the issue, this action may be disposed of by stipulation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly close the claimant's FAP and SDA cases for failure to submit the requested verifications.

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED that the department shall allow the claimant to submit the required verifications. Once those verifications are submitted the department shall re-determine the claimant's eligibility. If the claimant was found to be otherwise eligible, the department shall reinstate benefits back to the date of negative action and if applicable, issue any past due benefits due and owing that the claimant is otherwise eligible to receive.

/s/
Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 6, 2012

Date Mailed: April 9, 2012

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 date of the rehearing decision.

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