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

IN THE MATTER OF:



Reg. No.: Issue No.: Case No.: Hearing Date: County:

201238075 3008

April 5, 2012 Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

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, a telephone hearing was held on April 5, 2012, from Lansing, Michigan. Participants on behalf of Claimant included . Participants on behalf of Department of Human Services (Department) included

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly \boxtimes deny Claimant's application \square close Claimant's case \square reduce Claimant's benefits for:

\times	

Family Independence Program (FIP)? Food Assistance Program (FAP)? Medical Assistance (MA)?

State Disability Assistance (SDA)?

Child Development and Care (CDC)?

FINDINGS OF FACT

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

- 1. Claimant \boxtimes applied for \square was receiving: \square FIP \boxtimes FAP \square MA \square SDA \square CDC.
- 2. On January 6, 2012, the Claimant \boxtimes was \square was not provided with a verification checklist (DHS-3503).
- 3. Claimant was required to submit requested verification by January 17, 2012.
- 4. On March 1, 2012, the Department denied Claimant's application closed Claimant's case

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reduced Claimant's benefits

for failure to submit verification in a timely manner.

5. On February 11, 2012, the Department sent notice of the

 \boxtimes denial of Claimant's application.

closure of Claimant's case.

reduction of Claimant's benefits.

6. On February 17, 2012, Claimant filed a hearing request, protesting the ☐ denial. ☐ closure. ☐ reduction.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The 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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

Based on the testimony provided, I find the Claimant timely received the verification checklist but at no time complied with the Department's request for verifications. Although the Claimant alleges to have been snowed in for several weeks, there is no evidence to support this.

Therefore, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, I conclude the Department properly closed Claimant's FAP case.

DECISION AND ORDER

I find, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, find the Department did act properly.

Accordingly, the Department's decision is **AFFIRMED** for the reasons stated on the record.

/s/_

Corey A. Arendt Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: <u>April 6, 2012</u> Date Mailed: <u>April 6, 2012</u> **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 receipt 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

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