

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201262997
Issue No.: 2006, 3008
Case No.: [REDACTED]
Hearing Date: August 9, 2012
County: Wayne DHS (15)

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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on August 9, 2012 from Detroit, Michigan. Participants included the above named claimant; [REDACTED] testified and appeared as Claimant's authorized hearing representative (AHR). Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's eligibility for Food Assistance Program (FAP) and Medical Assistance (MA) benefits based on an alleged failure by Claimant to update a residential 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 and MA benefit recipient.
2. In approximately 3/2012, Claimant was evicted, which resulted in Claimant's and her household members moving in with her daughter.
3. Claimant reported the address change to DHS.
4. DHS failed to update Claimant's address.

5. On an unspecified date, DHS sent mail to Claimant at the address from which Claimant was evicted.
6. The mail was subsequently returned to DHS by the United States Postal Service as undeliverable.
7. On 6/7/12, DHS terminated Claimant's FAP and MA benefit eligibility effective 7/2012 based on an alleged failure by Claimant to verify a change of address.
8. On 7/3/12, Claimant requested a hearing to dispute the FAP and MA benefit terminations.

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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). DHS administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The present case presents a dispute concerning a termination of FAP and MA benefit eligibility. DHS stated the terminations were the result of a failure by Claimant to update a mailing address.

For the benefit terminations to be proper, DHS must establish three different items: Claimant failed to update an address, DHS policies allow a termination of benefits if a client fails to update an address and that DHS took all proper procedures in the benefit termination. If DHS is unable to establish any of the above items, then the benefit termination would be improper. The analysis will begin with whether Claimant updated a change of address to DHS.

Claimant and the AHR provided testimony that they lived at an address until late 2/2012 or early 3/2012 when they were evicted. It was not disputed that DHS never updated Claimant's mailing address since that time, resulting in correspondence sent to Claimant coming back to DHS as undeliverable.

DHS is to review the effect on eligibility whenever the client reports a change in circumstances. BAM 105 at 11. Actions must be completed within the time period specified in BAM 220. *Id.*

Claimant's AHR gave detailed testimony that a previously assigned specialist and upper level manager were informed of Claimant's eviction and subsequent change in address to her daughter's household. Claimant's AHR could not recall specific dates of the conversations but noted that he was calling so often that the DHS representatives grew tired of the conversations, particularly after the case was transferred to a different DHS office. Claimant's testimony was unverified but was very credible. DHS had no evidence to rebut Claimant's testimony. Based on the presented evidence, it is found that Claimant reported a change of address to DHS, which DHS failed to process.


It was not disputed that the adverse actions taken to Claimant's FAP and MA benefit eligibility were based on Claimant's failure to update an address to DHS. Based on the finding that Claimant reported an address change to DHS and that DHS failed to update the address, the benefit terminations are found to be 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 eligibility for FAP and MA benefits. It is ordered that DHS:

- (1) reinstate Claimant's FAP and MA benefit eligibility effective 7/2012 subject to the finding that Claimant did not fail to update a residential/ mailing address; and
- (2) supplement Claimant for any FAP and/or MA benefits not issued as a result of the improper terminations.

The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 14, 2012

Date Mailed: August 14, 2012

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 **MAY** 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

CG/hw

cc:

