

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

IN THE MATTER OF:



Reg. No: 201264337
Issue No: 2000, 3008, 6015
Case No: [REDACTED]
Hearing Date: August 15, 2012
Alpena County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on August 15, 2012. Claimant appeared and testified. Claimant stated she did not have any Medical Assistance (MA) issues that needed resolution in this hearing. The Medical Assistance (MA) portion of this case is dismissed.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case for failure to provide required verifications?

Did the Department of Human Services properly close Claimant's Child Development and Care (CDC) case for failure to provide required 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. Claimant was an ongoing recipient of Medical Assistance (MA), Food Assistance Program (FAP) and Child Development and Care (CDC) benefits.
2. On June 6, 2012, the Department sent Claimant a Verification Checklist (DHS Form 3503) and Verification of Employment (DHS Form 38) in order to verify loss of employment. The verifications were due on June 18, 2012.
3. On June 19, 2012, the Department had not received verification that Claimant was no longer employed at [REDACTED]. Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food

Assistance Program (FAP) and Child Development and Care (CDC) were closed for failure to provide required verification.

4. On July 2, 2012, Claimant submitted a request for 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case Claimant testified that she dropped the Verification of Employment (DHS Form 38) off at [REDACTED] on June 11, 2012 and was told it had to be sent to the [REDACTED] to be filled out. Claimant asserts it is not her fault that the business did not fill out the Verification of Employment (DHS Form 38).

It is also noted that Claimant testified her employment at [REDACTED] ended in March 2012 but she was still receiving Child Development and Care (CDC) benefits for 4 children based on working. There is a significant disincentive for Claimant to verify her loss of employment because she may be required to pay back all the CDC benefits received from the time she stopped working. It is also noted that Claimant did not request assistance in obtaining verification of the loss of employment. In light of the situation, Claimant's testimony that she submitted the Verification of Employment (DHS Form 38) in a timely manner is not credible.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Food Assistance Program (FAP) and Child Development and Care (CDC) cases for failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 21, 2012

Date Mailed: August 21, 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 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 mailing 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.

GFH/tb

cc:

