

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

IN THE MATTER OF:



Reg. No: 201270437
Issue No: 2000, 3008
Case No: [REDACTED]
Hearing Date: September 18, 2012
Gladwin 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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on September 18, 2012. Claimant appeared and testified. During the hearing Claimant asserted that she had not gone to a Medical Assistance (MA) hearing scheduled on August 7, 2012 because of the harassment she was receiving from the Department about the verification she would not turn in. Claimant's assertion is deemed a late request for adjournment of the August 7, 2012 hearing. There is no hearable MA issue in this case so the incorrectly classified MA issue is dismissed.

ISSUE

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

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 was an ongoing recipient of Food Assistance Program (FAP) benefits.
2. On July 17, 2012, Claimant was sent a Verification Checklist (DHS Form 3503) for her Food Assistance Program (FAP) re-determination. The Verification Checklist (DHS Form 3503) requested information on the value of a Claimant's residence. The required verifications were due on July 27, 2012.
3. On July 30, 2012, the Department had not received the required verifications. The Department sent Claimant a Notice of Case Action

(DHS-1605) stating her Food Assistance Program (FAP) would close on September 1, 2012.

4. On August 2, 2012, Claimant filed a hearing request.

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 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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1997 AACS R 400.3001-3015

In this case Claimant asserted that she was not able to submit the information about their residence because they were bound by a settlement agreement they had entered into regarding financing of their residence. Claimant was informed that a settlement agreement between two parties of a law suit does not negate statutory requirements for the administration of the Food Assistance Program (FAP).

A detailed analysis of the evidence presented, applicable Department policies, and reasoning for the decision are contained in the recorded record. During the hearing Claimant was informed of the decision and the reasoning behind the decision.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department of Human Services properly closed Claimant's Food Assistance Program (FAP) case she failed 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 Corrigan, Director
Department of Human Services

Date Signed: September 24, 2012

Date Mailed: September 25, 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.

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:

