

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201220162
Issue No: 3008
Case No: [REDACTED]
Hearing Date: February 22, 2012
Berrien County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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, an in-person hearing was held on Wednesday, February 22, 2012. Claimant personally testified on her behalf.

ISSUE

Was good cause for noncompliance with timely verification established?

FINDINGS OF FACT

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

1. On December 6, 2011, the Department of Human Services terminated the claimant's FAP based on noncompliance with timely verification requirements per BAM 130, with a claimant's request for hearing on December 9, 2011.
2. On October 26, 2011, the Department of Human Services sent the claimant's notice requesting verification for the most recent three months of alimony with a due-date of November 7, 2011, it was not returned.

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 Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Facts above are undisputed.

Good Cause ---- a circumstance which is considered a valid reason for not complying with a requirement. BRG Glossary, Page 15.

The claimant testified that she was advised by the Department of Human Services, Ms. Sepic, to mail-in her verification; that she wanted to personally deliver the verification; that Ms. Sepic's co-worker advised that Ms. Sepic was unavailable for two weeks to personally delivery the information; that the Department of Human Services would phone and notify her of an appointment; and that she never received the phone call.

At the hearing there was a substitute supervisor for Ms. Sepic who relied on hearsay statements in the file by Ms. Sepic.

In a contested case the rules of evidence as applied in a non-jury civil case in Circuit Court shall be followed. MCL 24.275.

A party may cross-examine a witness, including the author of proposed hearsay written notes of the absent Ms. Sepic. MCL 24.272(4).

The burden of proof is on the Department of Human Services to establish by the preponderance of the evidence of record that the claimant non-complied with verification requirements.

This Administrative Law Judge finds that testimony under oath by the claimant more trustworthy and reliable than the hearsay evidence proposed by the missing Ms. Sepic at the hearing and determines good cause for noncompliance with timely verification requirements.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that good cause for noncompliance with timely verification requirements was established.

Accordingly, FAP termination is **REVERSED**, and reinstatement of benefits within 10 work days and continuation of the eligibility review requirements is **ORDERED**.

/s/
William A. Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 5, 2012

Date Mailed: March 6, 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.

WAS/tb

cc:

