

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

IN THE MATTER OF:



Reg. No.: 201257802
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: July 11, 2012
County: Wayne DHS (55)

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 July 11, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's FAP benefit eligibility effective 7/2012 based on an alleged failure to verify employment income.

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 benefit recipient.
2. On 5/2/12, DHS mailed Claimant a New Hire Client Notice (Exhibit 1) to verify previously unreported employment for Claimant's daughter.
3. The due date to return the New Hire Client Notice was 5/14/12.
4. Claimant failed to return the New Hire Client Notice to DHS.
5. On 5/24/12, DHS initiated a termination of Claimant's FAP benefit eligibility effective 7/2012 (see Exhibit 2).

6. On 6/5/12, Claimant requested a hearing to dispute the FAP benefit termination.

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 Michigan Department of Human Services (DHS) routinely matches recipient data with other agencies through automated computer data exchanges. BAM 807 at 1. New Hires is a daily data exchange with Michigan Department of Treasury. *Id.* New Hires information is used to determine current income sources for active DHS clients. *Id.* If a SSN match is found on Bridges and the New Hires database, a New Hires match is created if there is no earned income reflected in Bridges. *Id.*

When a New Hire hit is made, DHS specialists are to contact the client immediately if the employment has not been previously reported. *Id.* The specialist is then to request verification by generating a DHS-4635, New Hire Notice, from Bridges. *Id.* When a DHS-4635 is requested, Bridges (the DHS database) automatically gives the client 10 calendar days to provide verification from the date the forms were requested. *Id.* If verifications are not returned by the 10th day, the case will close for a minimum of 30 days after appropriate actions are taken in Bridges, unless the client returns verifications. *Id.*

Claimant's only contention was that she did not receive the New Hire Client Notice; thus, Claimant contended that she could not return to DHS what she did not receive. The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976).


DHS is known to mail documents through their computer system, Bridges, thereby reducing the element of human error. The mailing address on the New Hire Client Notice (Exhibit 1) matched Claimant's mailing address provided at the hearing. Claimant conceded that her address has not changed since the mailing of the New Hire Client Notice. No evidence was presented to raise doubts that the New Hire Client Notice was mailed and successfully delivered to Claimant's address. It is found that Claimant received the New Hire Client Notice.

There was no dispute that Claimant failed to return to DHS the New Hire Client Notice or any other information concerning her daughter's employment. Claimant's failure to

verify her daughter's employment was an appropriate basis to terminate FAP benefit eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FAP benefit eligibility effective 7/2012, due to a failure to verify her daughter's employment income. The actions taken by DHS are AFFIRMED.


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

Date Signed: July 13, 2012

Date Mailed: July 13, 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 to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

