

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No: 201262227
Issue No: 3008
Case No: [REDACTED]
Hearing Date: August 7, 2012
Macomb #36 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 7, 2012. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case on July 1, 2012 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 Food Assistance Program (FAP) benefits.
2. On April 9, 2012, Claimant was sent a Verification Checklist (DHS Form 3503) requesting verification of Martin Gojcaj's income. The proofs were due on April 19, 2012.
3. On June 18, 2012, the Department had not received any response to the April 9, 2012 Verification Checklist (DHS Form 3503) on [REDACTED] income. Claimant was sent a Notice of Case Action (DHS-1605) stating her Food Assistance Program (FAP) case would close on July 1, 2012.
4. On June 27, 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).

Both parties agree that a single check to ██████ was submitted in January 2012. The Department case worker testified that some information was turned in on July 3, 2012. However, the single issue in this case is whether verification of ██████ income was submitted between April 9, 2012 and April 19, 2012.

The Department case worker testified that nothing was turned in between April 9, 2012 and June 18, 2012. Claimant testified that ██████ works in construction and the check submitted in January was from ██████ employer. Claimant also testified that the Department case worker had not accepted that check as sufficient verification of ██████ income and told them they had to submit more than that. Claimant testified that they all ██████ were upset about that. Claimant testified that another check from ██████ employer was turned in after the April 9, 2012 Verification Checklist (DHS Form 3503). Claimant was asked when the check was turned in and testified that could not remember the date.

Based on the totality of the evidence in the record, and in consideration of the consequences of the two witness' opposing testimony on this issue, the Department case worker's testimony is found more 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) case on July 1, 2012 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 14, 2012

Date Mailed: August 14, 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 60 days of the filing of the original request.

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.

GFH/tb

cc:

