

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201264740
Issue No: 2000, 3008
Case No: [REDACTED]
Hearing Date: August 21, 2012
Wayne #19 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 21, 2012. Claimant appeared and testified. During this hearing it was determined that Claimant never lost Medical Assistance (MA) coverage. There is no Medical Assistance (MA) issue to be resolved in this hearing. The Medical Assistance (MA) issue in this case is dismissed.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) on July 1, 2012?

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 reported her employment with Associated Community Services had ended on January 18, 2012. Claimant was sent a Verification Checklist (DHS Form 3503) and Verification of Employment (DHS Form 38) in order to verify the loss of employment. The verification was due back on April 19, 2012.
3. On May 1, 2012, Claimant was sent a Semi-Annual Contact Report (DHS-1046) for her Food Assistance Program (FAP).

4. On June 7, 2012, Claimant returned the [REDACTED] (DHS-1046). In the report Claimant noted that she was employed by another.
5. On June 25, 2012, the Department had not received a Verification of Employment (DHS Form 38) filled out by [REDACTED]. Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) would close on July 1 2012.
6. On July 6, 2012, Claimant submitted a timely request for hearing.
7. On July 12, 2012, the Department received only the first page of a Verification of Employment (DHS Form 38) along with income information for [REDACTED]. The submission indicated that Claimant had been fired and did not contain any signature.
8. On July 18, 2012, Claimant was determined eligible, and began receiving, for Food Assistance Program (FAP) benefits again.

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).

During this hearing Claimant testified that she completed the Verification of Employment (DHS Form 38) and sent it in during April and June. When specifically asked, Claimant testified that the Verification of Employment (DHS Form 38) from [REDACTED] was not sent in until after the Notice of Case Action (DHS-1605) dated June 25, 2012 stating her Food Assistance Program (FAP) would close.

A Verification of Employment (DHS Form 38) filled out by Claimant IS NOT sufficient under Department policy to verify loss of employment. The evidence in this record shows that the Department WAS NOT provided the required loss of employment verification until AFTER Claimant's Food Assistance Program (FAP) was closed.

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) on July 1, 2012.

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 27, 2012

Date Mailed: August 27, 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

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