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

#### IN THE MATTER OF:



Reg. No.: Issue No.: Case No.: Hearing Date: County: 2013-16214 3008

January 17, 2013 Macomb-20 County DHS

#### ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

## HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on J anuary 17, 2013, from Lansing, Michigan. Participant s on behalf of Claimant included participants on behalf of Department of Human Services (Department) included

#### **ISSUE**

Due to a failure to comply with the ve rification requirements, did the Department properly and deny Claimant's application close Claimant's case reduce Claimant's benefits for:

imes	
	İ.

Family Independence Program (FIP)? Food Assistance Program (FAP)?

Medical Assistance (MA)?

State Disability Assistance (SDA)? Child Development and Care (CDC)? Adult Medical Program (AMP)?

# FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantia levidence on the whole record, including testimony of witnesses, finds as material fact:

- 1. Cla imant applied for was receiving: FIP AFAP MA SDA CDC AMP.
- 2. Cla imant 🗌 was 🔀 was not provided with a Verification Checklist (DHS-3503).
- On January 1, 2013, the Department
   ☐ denied Claimant's application
   ☑ closed Claimant's case

reduced Claimant's benefits

for failure to submit verification in a timely manner.

4. On December 3, 2012, the Department sent notice of the denial of Claimant's application.
Closure of Claimant's case.

reduction of Claimant's benefits.

5. On December 9, 2012, Claimant filed a hearing request, protesting the denial. Sclosure. reduction.

## 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 FAP [formerly known as the Food Stamp (F S) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in T itle 7 of t he Code of Federal Regulations (CF R). The Department (formerly known as the Fa mily Independence Agenc y) admin isters FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

Clients have the right to contest a Departm ent decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to rev iew the decision and determine the appropriateness of that decision. (BAM 600).

Department policy indicates the at clients must cooperate with the loca I office in determining initial and ongoing eligibility with all programs. (BAM 105). This includes completion of the necessary forms. Clie ints who are able to but refuse to provide necessary information or take a required action are subject to penalties. (BAM 105).

In this case, the Department provided copies of verification checklists they allegedly mailed to t he Claimant back in June of 20 12. However, the Department witness was unable to identify how the letters were deliver ed to the Claimant (centrally printed or directly mailed). Ther efore, based on the burden of proof, I fi nd that more likely than not, the Department did not mail the notices as alleged and therefore did not provide the Claimant with adequate notice.

Based upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons stated on the record, I conclude the Department improperly closed the Claimant's case.

### DECISION AND ORDER

I find, bas ed upon the above Findings of Fa ct and Conclusions of Law, and for the reasons stated on the record, the Department did not act properly.

Accordingly, the Depar tment's decision is **REVERSED** for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a redetermination as t o the Claimant's eligibility for FAP benefits beginning January 1, 2013 and issue retroactive benefits if otherwise eligible and qualified.

<u>/s/</u>\_\_\_\_\_

Corey A. Arendt Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: January 17, 2013

Date Mailed: January 17, 2013

**NOTICE:** Michigan Administrative Hearing S ystem (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the receipt date of this Dec ision and Orde r. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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 <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> be granted for any of the following reasons:
- misapplication of manual policy or law in the hearing decision,
- typographical errors, math ematical error, or other obvious errors in the he aring 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 at Michigan Administrative hearings

Re consideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

# 2013-16214/CAA

CAA/las

