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

IN THE MATTER OF:		Reg. No: Issue No:	2013-17176 3008	
		Case No: Hearing Date: DHS-SSPC-WE	February 6, 2013	
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 February 6, 2013, from Lansing, Michigan. Participants on behalf of Claimant included Participants on behalf of Department of Human Services (Department) included				
<u>ISSUE</u>				
		cation requirements, di ose Claimant's case		
 ☐ Family Independence Program (FIP)? ☐ State Disability Assistance (SDA)? ☐ Child Development and Care (CDC)? ☐ Medical Assistance (MA)? 				
FINDINGS OF FACT				
The Administrative Law Judge, based upon — the competent, material, and substantia I evidence on the whole record, including testimony of witnesses, finds as material fact:				
1.	On November 5, 2012, the Depa interview appointment notice and		imant an intak e	
2.	On or around Novem ber 5, 2012 notice and verification checklist.	or around Novem ber 5, 2012, the Claimant received the appointment ice and verification checklist.		
3.	On November 8, 2012, the Claimant and the Claimant's daught er in-law participated in the int ake interview. During the interview, the Department worker, indic ated the Claimant had to submit a written statement from his employer indicating his employment had ended. further indicated a sec ond verific ation chec klist would be sent regarding other verifications that were needed to determine FAP eligibility.			

- 4. On November 8, 2012, the Depa rtment sent the Claimant the second verification checklist.
- 5. On or around November 8, 2 012, the Claimant re ceived the second verification checklist. The s econd verification checklist was due November 19, 2012.
- 6. On Novem ber 16, 2012, the Cla imant submitted all of the requested verifications except for the verifications regarding the loss of employment.
- 7. On December 3, 2012, the Department sent the Claimant a notice of case action. The notice indicated the Cla imant's FAP ap plication was being denied for failure to turn in the requested loss of employment verifications.
- 8. On December 11, 2012, the Claimant requested a hearing.

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 the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 through Rule 400.3015.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. Client's must completely and truthfully answer all questions on forms and in interviews.

The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the c lient at least 10 days (or other timeframe specified in policy) to obtain the needed information.

Testimony and other evidence must be we ighed and considered according to its reasonableness. Moreover, the weight and credibi lity of this evidence is generally for the fact-finder to determine. In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness is testimony, and the interest, if any, the witness may have in the outcome of the matter.

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¹ Gardiner v Courtright, 165 Mich 54, 62; 130 NW 322 (1911); Dep't of Community Health v Risch, 274 Mich App 365, 372; 733 NW2d 403 (2007).

² Dep't of Community Health, 274 Mich App at 372; People v Terry, 224 Mich App 447, 452; 569 NW2d 641 (1997).

³ People v Wade, 303 Mich 303 (1942), cert den, 318 US 783 (1943).

I have carefully considered and weighed the testimony and other evidence in the record and find the Claimant never returned all of the requested verifications as requested and required. Furthermore, the Department witness testified she thoroughly explained to the Claimant during the intake int erview the documentation needed to show loss of employment. Therefore, I do not find it to be very plausible that the Claimant did not understand what was needed to show loss of employment. Unfortunately for the Claimant, the two witnesses who participat ed in the interview did not testify during the hearing.

Accordingly, I **AFFIRM** the Department's actions in this matter.

DECISION AND ORDER

I find based upon the above F indings of Fa ct and Conclusions of Law, and for the reasons stated on the record, the Department did act properly.

Accordingly, the Department's decision is **AFFIRMED**.

<u>/s/</u>

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

Date Signed: February 7, 2013

Date Mailed: February 7, 2013

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the receipt date of this Dec ision and Orde r. MAHS will not order 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 **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.

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- 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 ot her relevant iss ues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative hearings
Recons ideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CAA/las

cc: