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

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IN THE MATTER OF:	Reg. No: Issue No: Case No:	2013-19307 3008
	Hearing Date: Kent County DH	January 30, 2013 IS
ADMINISTRATIVE LAW JUDGE: Corey A. Arendt		
HEARING DECISION		
This matter is before the undersigned Administrative and MCL 400.37 following Claim ant's request for telephone hearing was held on J anuary 30, 2013, from behalf of Claimant included of Human Services (Department) included	a hearing. After o om Lansing, Mich	due notice, a
<u>ISSUE</u>		
Due to a failure to comply with the ve rification requirements, did the Department properly ☑ deny Claimant's application ☐ close Claimant's case ☐ reduce Claimant's benefits for:		
<u> </u>	☐ State Disability Assistance (SDA)? ☐ Child Development and Care (CDC)?	
FINDINGS OF FACT		
The Administrative Law Judge, based upon the co- evidence on the whole record, including testimony of	•	•
 On September 11, 2012, the Claimant applied for FAP benefits. 		

3. On October 4, 2012, the Claimant turned in an unsigned letter that she thought complied with the verification checklist.

checklist. The checklist was

documentation related to a trust.

On September 21, 2012, the Department sent the Claimant a verification

due October 1, 2012 and r

equested

4. On October 5, 2012, the Depar tment contacted the Cla imant. The Department indicated the letter subm itted was unacceptable and the trust documents were still needed to determine eligibility. The Department

extended the Claimant's due date for the trust documents until October 10, 2012.

- 5. As of October 10, 2012, the Cla imant had not submitted the requested trust documents or requested assistance from the Department in obtaining the requested information.
- 6. On October 10, 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 return requested verifications.
- 7. On December 20, 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.¹ Moreover, the weight and credibi lity of this evidence is generally for the fact-finder to determine. ² 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 's testimony, and the interest, if any, the witness may have in the outcome of the matter.³

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. The docum entation originally submitted could not possibly be considered a statement form a knowledgeable source when the statem ent was unsigned, lacked

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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).

identifying information of the writer outside of a name, and stated no contact information etc.

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: January 31, 2013

Date Mailed: January 31, 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,
- 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

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