**IN THE MATTER OF:**

<table>
<tr><td></td><td>Reg. No.:</td><td>2013-19846</td></tr>
<tr><td></td><td>Issue No.:</td><td>3008</td></tr>
<tr><td></td><td>Case No.:</td><td></td></tr>
<tr><td></td><td>Hearing Date:</td><td>JANUARY 30, 2013</td></tr>
<tr><td></td><td>County:</td><td>Wayne (15)</td></tr>
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**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

## HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on January 30, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant, who has no hearing ability, and his Authorized Representative, his niece ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████, Assistance Payments Worker, and ██████████, Eligibility Specialist.

## ISSUE

Did the Department properly ☐ deny Claimant's application ☒ close Claimant's case for:

☐ Family Independence Program (FIP)?　　　☐ Adult Medical Assistance (AMP)?
☒ Food Assistance Program (FAP)?　　　　　☐ State Disability Assistance (SDA)?
☐ Medical Assistance (MA)?　　　　　　　　☐ Child Development and Care (CDC)?

## FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant ☐ applied for benefits ☒ received benefits for:

☐ Family Independence Program (FIP).　　　☐ Adult Medical Assistance (AMP).
☒ Food Assistance Program (FAP).　　　　　☐ State Disability Assistance (SDA).
☐ Medical Assistance (MA).　　　　　　　　☐ Child Development and Care (CDC).

2. On January 1, 2013, the Department
   ☐ denied Claimant's application   ☒ closed Claimant's case
   due to a determination that Claimant did not provide verification of a savings account.

3. On December 8, 2012, the Department sent
   ☒ Claimant      ☐ Claimant's Authorized Representative (AR)
   notice of the      ☐ denial.   ☒ closure.

4. On December 19, 2012, Claimant filed a hearing request, protesting the
   ☐ denial of the application.   ☒ closure of the case.

## CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

☒ 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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

Additionally, the Department's Bridges Administrative Manual (BAM) 105 (2012), "Rights and Responsibilities," states that the Department's responsibilities are to determine eligibility, provide benefits and protect client rights. The Claimant's responsibilities are to fully cooperate with the Department's requests for information and documentation. This policy is applicable in this case.

It is undisputed that Claimant failed to provide the Department with verification of his savings account. The Department requested this information on August 29, 2012 by sending a Verification Checklist form to Claimant. Claimant's Guardian testified she was not sure she ever received, or saw, the Verification Checklist before the hearing. Dept. Exh. 1, p. 4. The Claimant did not bring verification of his savings account to the hearing.

It is found and determined that in this case there is insufficient evidence to establish that the Claimant fully cooperated with the Department. The Claimant did not respond to the Department's request when it was sent, and he did not bring documentation to the hearing to establish that he was in fact qualified for the FAP benefits that he received.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department
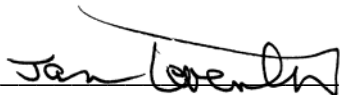
☐ properly denied Claimant's application ☐ improperly denied Claimant's application
☒ properly closed Claimant's case ☐ improperly closed Claimant's case

for: ☐ AMP ☐ FIP ☒ FAP ☐ MA ☐ SDA ☐ CDC.

## DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department
☒ did act properly.  ☐ did not act properly.

Accordingly, the Department's ☐ AMP ☐ FIP ☒ FAP ☐ MA ☐ SDA ☐ CDC decision is ☒ AFFIRMED ☐ REVERSED for the reasons stated on the record.


_____
**Jan Leventer**
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 1, 2013

Date Mailed: February 1, 2013

**NOTICE:** Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (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 timely 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 other relevant issues in the hearing decision.

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Request must be submitted through the local DHS office or directly to MAHS by mail at
    Michigan Administrative Hearings
    Reconsideration/Rehearing Request
    P. O. Box 30639
    Lansing, Michigan 48909-07322

JL/tm

cc: