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

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Reg. No.: 2013-44834

Issue No.: 3008

Case No.: Hearing Date: June 4, 2013

County: DHS-SSPC-WEST

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 June 4, 2013, from Lansing, Michigan. Participants on behalf of Claimant included and Participants on behalf of Department of Human Services (Department) included								
<u>ISSUE</u>								
Due to a failure to comply with the ve rification requirements, did the Department properly \square deny Claimant's application \boxtimes close Claimant's case \square reduce Claimant's benefits for:								
☐ 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 March 26, 2013 the De partment sent the Claimant a verific ation checklist. The checklist was due April 5, 2013.
- 2. On March 28, 2013, the Department approved the Claimant for FAP benefits.

- 3. As of April 17, 2013, the Claimant had not yet returned the verification checklist as requested.
- On April 17, 2013, the Department sent the Claimant a notice of case action. The notice indicated the Claimant's FAP benefits were closing effective May 1, 2013 for failure to verify information.
- 5. On April 25, 2013, 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 (CF R). 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 the requested verifications as requested and required by the due date of Apr il 5, 2013. Therefore, I fi nd the Department's action s were appropriate.

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

In addition to the FAP issue, the Claimant indicated ther e was an issue with a Medical Assistance (MA) case. The Claimant did not provide a notice of case action and was not able to identify when the alleged negative action took place. The Department had no record of a negative MA action as their records corresponded with a FAP application only and a FAP notice of case action. For these reasons, I could not find sufficient evidence to issue a decision regarding the alleged MA issue. I encourage the Claimant to contact her local office regarding MA benefits.

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**.

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

J Cict

Date Signed: June 5, 2013

Date Mailed: June 5, 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:

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- 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

CAA/las

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