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

IN THE MATTER OF:



Reg. No.: 2013-47330 Issue No.: 3008 Case No.: June 10, 2013 Hearing Date: Wayne (82-55) County:

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 June 10, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly \Box deny Claimant's application \boxtimes close Claimant's case \Box reduce Claimant's benefits for:

	Family Independence Proc
Х	Food Assistance Program
	Medical Assistance (MA)?

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

State Disability Assistance (SDA)? Child Development and Care (CDC)?

FINDINGS OF FACT

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

- 1. Claimant applied for was receiving: FIP KAP MA SDA CDC.
- 2. Claimant was required to submit requested verification by April 29, 2013.
- 3. On May 1, 2013, the Department denied Claimant's application.
 - \times closed Claimant's case.

reduced Claimant's benefits .

- 4. On April 30, 2013, the Department sent notice of the denial of Claimant's application.
 - Closure of Claimant's case.

reduction of Claimant's benefits.

5. On May 3, 2013, Claimant filed a hearing request, protesting the denial of Claimant's application.

 $\overline{\boxtimes}$ closure of Claimant's case.

reduction of Claimant's benefits.

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 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 1997 AACS R 400.3001-3015

In the instant case, the Department began a redetermination of Claimant's FAP case by sending him redetermination forms on April 18, 2013, to be completed by May 2, 2013.

The client must obtain required verification, but you must assist if they need and request help. BAM 130 (May 2012).

Here, Claimant did not comply with the Department's request for documentation/information. Therefore, the Department closed Claimant's case.

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 improperly

 \boxtimes closed Claimant's case.

denied Claimant's application.

] reduced Claimant's benefits.

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 \square did act properly \square did not act properly.

Accordingly, the Department's decision is \boxtimes AFFIRMED \square REVERSED for the reasons stated on the record.

Michael J. Bennane Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: June 17, 2013

Date Mailed: June 17, 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 <u>MAY</u> 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 affect the substantial rights of the claimant,
 - 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 Reconsideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

MJB/pf

