

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201313665
Issue No: 3008
Case No: [REDACTED]
Hearing Date: February 21, 2013
Kent County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, an in person hearing was held on Thursday, February 21, 2013. Claimant appeared with her representative, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included AG [REDACTED] and [REDACTED].

ISSUE

Was the verification checklist notice mailed to the Claimant's correct address?

FINDINGS OF FACT

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

1. On November 15, 2012 the DHS imposed FAP termination based on non-compliance with timely verification requirements per BEM 105.
2. On October 31, 2012 the DHS mailed a verification checklist notice to the Claimant's wrong address with a due-date by November 12, 2012.

CONCLUSIONS OF LAW

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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Facts above are undisputed.

Obtaining verification: Telling the client what verification is required, how to obtain it, and the due date ; See *Timeliness of Verifications* in this item. DHS-3503, Verification Checklist (BCL) or for MA re determinations, the DHS-1175, MA Determination Notice, to request verification. ...BEM 130, Pgs. 2 & 3.

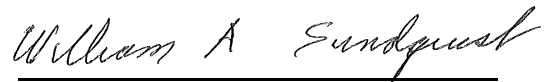
Whether or not the claimant verbally expressed an opinion before or after the verification due-date that she would not comply with verification requirements is irrelevant until she is put on appropriate verification notice.

Therefore, the DHS has not sustained this burden of proof to establish appropriate verification notice to the claimant at her correct mailing address.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that appropriate verification notice to the Claimant was not established.

Accordingly, proposed FAP termination is **REVERSED** and so ORDERED.



William A. Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 5, 2013

Date Mailed: April 5, 2013

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

WAS/hj

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cc:

