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

IN THE MATTER OF:



Reg. No.:
Issue No.:
Case No.:
Hearing Date:
County DHS:

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

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 participants on behalf of Claimant included Participants on behalf of Department of Human Services (Department) included

ISSUE

Did the Department properly reduce the Claimant's Food Assistance Program (FAP) benefits due to her non-cooperation with the Office of Child Support?

FINDINGS OF FACT

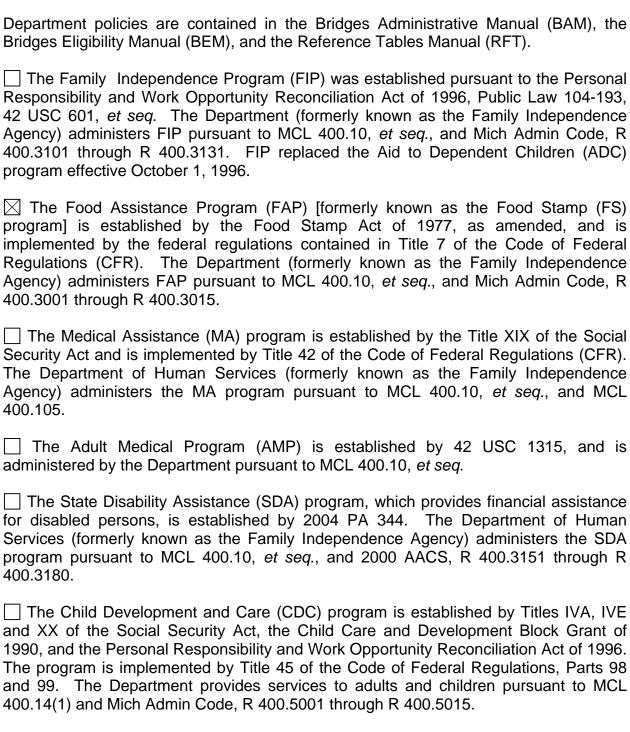
The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

- 2. On Claimant had not cooperated with the Office of Child Support reported that the Claimant had not cooperated with the Office of Child Support.
- 3. On the was therefore ineligible to receive FAP benefits and reduced the amount of FAP benefits to \$ for a group size of one.



4. On equest for hearing.

CONCLUSIONS OF LAW



In this case, the Claimant testified that she has received no correspondence from the Office of Child Support and that she has always cooperated with the Office of Child



Support. There are no documents in evidence from the Office of Child Support. Furthermore, there is no specific testimony detailing what the Claimant did or failed to do that constitutes her non-cooperation with the Office of Child Support. The Department bears the burden of proving that the reduction in the Claimant's FAP benefits was in accordance with departmental policy. The evidence is insufficient to show that the Department's actions in this case were in accordance with departmental policy.

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 not act properly when taking action to reduce the Claimant's FAP benefits.

Accordingly, the Department's	AMP	J FIP ⊠ FAP [∐ MA ∐ S	SDA 💹 CDC	decision
is AFFIRMED X REVERSE	D for the	reasons stated	on the rec	ord.	

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

- Initiate reinstatement of Claimant's FAP benefits back to the date of closure.
- 2. Initiate payment of supplemental benefits to Claimant back to the date of closure.

<u>/s/</u>

Susanne E. Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: <u>02/06/2013</u>

Date Mailed: 02/06/2013

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 <u>MAY</u> 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.

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

SEH/kl

cc: