

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

IN THE MATTER OF:



Reg. No.: 2014-13574
Issue No(s): 3002
Case No.: [REDACTED]
Hearing Date: December 17, 2013
County: IDHS SSPC Central

ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on December 17, 2013, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant's Designated Hearing Representative, [REDACTED] who is also Claimant's spouse. The Claimant did not participate. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearings Coordinator.

ISSUE

Did the Department properly close Claimant's Family Assistance Program (FAP) benefits?

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 and his spouse were on-going recipients of FAP.
2. Claimant's spouse has been an employee of the Department of Human Services.
3. Claimant was specifically instructed, in a Verification Checklist dated October 23, 2013 (Exhibit 1 Page 4) to provide "Detailed financial statements from August 1, 2013, until October 22, 2013, for any and all accounts from any and all financial institutions for all persons in the home, **including minor children**. Include any and all retirement account(s), financial annuities, 401K, Certificates of Deposit, IRA, Trust accounts and any and all financial instruments." (Emphasis in original.)
4. Claimant did not provide the detailed financial statements.
5. Because of the failure to return the statements, the Claimant's FAP benefits were closed.

6. On November 14, 2013, Claimant filed a hearing request.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

The testimony of the witnesses and the documents establish that the Claimant was required to provide verification of his family's financial accounts. The Claimant's spouse testified that she did not think she needed to provide the detailed records because she had already provided information on form DHS- 20, Verification of Assets. She also testified that she did not believe she should have to provide detailed information because she had reason to believe her family's personal information had been shared within the Department with people who had no reason to be privy to it. The witnesses could not identify any particular policy that would absolve a client from having to provide the required information if they feel their privacy has been invaded. In any case, there is no dispute that the Claimant did not provide the required information.

"Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms; see Refusal to Cooperate Penalties in this item. Clients must completely and truthfully answer all questions on forms and in interviews." BAM 105.

Because the Claimant did not comply by providing the required information, he was properly subject to negative action.

There was conflicting testimony regarding vehicles that the Claimant and his spouse owned. The Department provided a FEE Investigation report (Exhibit 1, Page 12) showing various vehicles that were reported by LEXIS as owned by the couple. The Claimant's spouse testified that she checked with the Michigan Secretary of State and the Department of State records showed those vehicles (other than a Nissan Quest) were no longer titled to either the Claimant or his spouse. Because the testimony of the witnesses is based on hearsay testimony of non-witnesses, which was in turn based upon records that were not available to the Administrative Law Judge, no finding is made as to whether the couple in fact owns any of the assets, other than the Nissan which is not in dispute.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in

accordance with Department policy when it closed Claimant's FIP benefits, and decreased her FAP benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Darryl T. Johnson
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 19, 2013

Date Mailed: December 19, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

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The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

DTJ/las

cc:

