

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-14017
Issue No(s): 3002
Case No.: [REDACTED]
Hearing Date: December 17, 2013
County: Roscommon

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, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Eligibility Specialist for Roscommon County, and [REDACTED], Assistance Payments Supervisor for Mecosta-Osceola County.

ISSUE

Did the Department properly close Claimant's Food 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 was an on-going recipient of FAP benefits.
2. On October 8, 2013, Claimant reported that he had started a job.
3. On October 8, 2013, a Verification Checklist and a Verification of Employment form were provided to Claimant for his employer to complete.
4. Claimant did not provide verification of his employment by the October 18, 2013 deadline.
5. On October 30, 2013, a Notice of Case Action was mailed, advising Claimant that his FAP would be closed as of December 1, 2013.
6. On November 12, 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.

“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.

The Claimant testified that he did not receive the verification paperwork and did not know that he needed to provide verification of his employment. He testified that his roommate had a tendency to not give him his mail, and leave it lying around. He also testified that he moved from his previous address in Roscommon County to his mother's home in Osceola County the day before Thanksgiving, 2013. He acknowledged that he received the Notice of Case Action on November 12, 2013, the day before the verification was due, and said that his roommate drove him to the Roscommon Department and gave him five minutes to submit his hearing request. In his hearing request, Claimant stated, “I have turned in all paper work that I have received.” See Exhibit 1, page 62. He also testified that, if he had received any paperwork for his employer to complete, he would have taken it to them.

Claimant had worked for a [REDACTED] store in Houghton Lake during a two week period, helping get the store set up for its opening. He provided a copy of a printout showing activity on a debit card that he received as the means of receiving his wages for the Dollar Tree set up. See Exhibit 1, page 44. It shows a remittance of \$ [REDACTED] on September 20, 2013, and \$ [REDACTED] on October 4, 2013. He did not provide anything that reflected his gross earnings. That printout was stamped by the Department on October 8, 2013.

In the instant case, the Department testified that verification forms were sent to the Claimant at his address of record. The Claimant testified that he never received the forms. The documentary evidence does not support one witness's testimony over the others. Through the course of the hearing, the Administrative Law Judge found the Claimant's credibility to be questionable. The Department provided sufficient testimony to establish that the verification materials were sent to the Claimant. The burden then falls on the Claimant to show that he provided the requisite verification. The Claimant has failed to meet that burden.

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 denied Claimant's FAP application.

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:

