

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2013-11269
Issue No: 3008
[REDACTED]
Hearing Date: January 8, 2013
Wayne-76 County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

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 January 8, 2013, from Lansing, Michigan. Participants on behalf of Claimant included Ralph Coury. Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED].

ISSUE

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

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input type="checkbox"/> Medical Assistance (MA)? | |

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 was receiving FAP benefits.
2. On October 23, 2012, Office of Inspector General (OIG) Agent [REDACTED] conducted an unannounced visit to the Claimant's home. During the visit, Agent [REDACTED] asked the Claimant about his assets and income. Specifically, Agent [REDACTED] inquired about the Claimant's ownership interest in several pieces of property, businesses and automobiles. The Claimant told Agent [REDACTED] that he owned several vehicles and that he currently used one while other members of his family used the other vehicles.

3. On October 24, 2012, Agent [REDACTED] conducted a lexis/nexis search of the Claimant's assets and discovered that the Claimant had three different vehicles listed and registered under his name.
4. On October 24, 2012, Agent [REDACTED] conducted a search using information from the Department of Licensing and Regulatory Affairs regarding ownership interest in [REDACTED]. Agent Patton discovered that as of October 24, 2012, the Claimant was still listed as the owner of [REDACTED].
5. On October 26, 2012, the Department sent the Claimant a verification checklist. The verification checklist requested the Claimant submit verifications regarding his ownership interest in several pieces of property (automobiles, real estate) and ownership in a business called [REDACTED]. The verification documents were due by November 5, 2012.
6. As of November 5, 2012, the Claimant did not turn in documentation related to his ownership interest in the property, automobiles or interest in [REDACTED].
7. On November 9, 2012, the Department sent the Claimant a notice of case action. The notice indicated the Claimant's FAP case was closing effective December 1, 2012 for failing to turn in requested verifications.
8. On November 15, 2012, the Claimant requested a hearing.
9. During a short time period in 2012, the Claimant acquired and divested his interest in several different automobiles.
10. As of approximately May 2012, the Claimant had all of the paperwork documenting his ownership in the different vehicles in question at his disposal.

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 FAP [formerly known as the Food Stamp (F S) 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 1999 AC, R 400.3001 through Rule 400.3015.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. Clients must completely and truthfully answer all questions on forms and in interviews.

The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information.

Testimony and other evidence must be weighed and considered according to its reasonableness.¹ Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine.² In evaluating the credibility and weight to be given to the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter.³

I have carefully considered and weighed the testimony and other evidence in the record and find the Claimant failed to return the requested verifications regarding ownership of several automobiles by the deadline established by policy. I did not find the Claimant's arguments to be persuasive in the absence of any supporting documentation covering the time period in question. Further troubling was the fact the Claimant had the requested verifications at his disposal approximately 6 months prior to the Department requesting the information.

Since the Claimant's failure to return verifications regarding the automobile ownership alone makes the Claimant ineligible for FAP benefits, I will not address the other two verifications that were missing (real estate and ownership interest in [REDACTED] [REDACTED]).

Accordingly, I find, based on the competent, material, and substantial evidence presented during the hearing, the department acted in accordance with policy in reducing the Claimant's FAP allotment.

Accordingly, I **AFFIRM** the Department's actions in this matter.

DECISION AND ORDER

I find based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Department did act properly.

¹ *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007).

² *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

³ *People v Wade*, 303 Mich 303 (1942), *cert den*, 318 US 783 (1943).

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

/s/
Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: January 9, 2013

Date Mailed: January 9, 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 receipt 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 **MAY** 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 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

2013-11269/CAA

CAA/las

cc:

