

**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:

