

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

IN THE MATTER OF:



Reg. No.: 201333172
Issue No.: 3008, 4003
Case No.: [REDACTED]
Hearing Date: April 4, 2013
County: Macomb 20

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on April 4, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) and State Disability Assistance (SDA) on January 31, 2013?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of Food Assistance Program (FAP) and State Disability Assistance (SDA) benefits. Both of assistance programs were due for re-determination by January 31, 2013.
- (2) On December 28, 2012, Claimant submitted a Redetermination Form (DHS-1010). The form indicated: Claimant's [REDACTED] was now part of the household; Claimant's [REDACTED] had a [REDACTED]; Claimant's [REDACTED] receives disability benefits; and Claimant began receiving some income.
- (3) On January 8, 2013, a telephone interview was conducted between Claimant and her DHS case worker. Claimant was informed that verification of her [REDACTED] [REDACTED] balance and Claimant's income were required.
- (4) On January 31, 2013, the Department had not received verification of Claimant's [REDACTED] [REDACTED] or Claimant's income. Claimant's Food Assistance Program (FAP) and State Disability Assistance (SDA) closed because her certification period ended and the Department had not been able to determine if she was eligible to continue receiving benefits.

- (5) On March 5, 2013, Claimant submitted a request for hearing about "Food & Cash Benefits" on a page from a Notice of Case Action (DHS-1605) dated February 16, 2013.

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 Program Reference Manual (PRM).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case Claimant got verbal notice of the verification requirements during the January 8, 2013 telephone interview. During this hearing Claimant did not dispute that these verifications were not sent in. Claimant testified she remembers speaking with the case worker but does not specifically remember being told to send in the verifications.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Food Assistance Program (FAP) and State Disability Assistance (SDA) on January 31, 2013.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 4/12/13
Date Mailed: 4/12/13

201333172/GFH

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 60 days of the filing of the original request.

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

GFH/tb

cc:

