

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

IN THE MATTER OF:



Reg. No.: 201334376
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: April 10, 2013
County: Macomb 12

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 10, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) for failure to provide required verifications?

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) benefits. Claimant's FAP was due for a 6-month review by January 31, 2013. Claimant's benefit group included herself and her [REDACTED] year old [REDACTED]
- (2) On December 3, 2012, Claimant was sent a Semi-Annual Contact Report (DHS-1046).
- (3) On December 11, 2012, Claimant returned the Semi-Annual Contact Report (DHS-1046). Claimant marked the report to reflect that her [REDACTED] had stopped working at one location and begun working at a different job. Claimant submitted one [REDACTED] [REDACTED] check for her [REDACTED]
- (4) On January 16, 2013, Claimant was sent a Verification Checklist (DHS Form 3503) and a Quick Note which stated she needed to provide verification that her [REDACTED] previous employment ended and more of his pay checks to verify his current income. The verifications were due on January 28, 2013.

- (5) On January 31, 2013, the Department had not received the required verifications. Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) would close on February 1, 2013.
- (6) On March 4, 2013, Claimant spoke with her Department case worker and made a verbal request for hearing about her Food Assistance Program (FAP).

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).

At this hearing Claimant did not dispute that the required verifications were not submitted. Claimant asserted that she did not receive the Verification Checklist (DHS Form 3503) and Quick Note. The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976).

Claimant testified that the address on the Semi-Annual Contact Report (DHS-1046), Verification Checklist (DHS Form 3503), Quick Note, and Notice of Case Action (DHS-1605) were correct at the time. Claimant testified that she received the Semi-Annual Contact Report (DHS-1046) but not the Semi-Annual Contact Report (DHS-1046) or the Quick Note. Claimant testified that she had some problems with mail at that address; her [REDACTED] also received mail from DHS at the address; and Claimant thinks her landlady must have taken the correspondence that was not received. Claimant testified that she moved from that location on February 28, 2013.

Claimant has described a possible reason that she would not receive the correspondence. However, the assertion is highly unlikely. If Claimants [REDACTED] was fraudulently using the address for receiving benefits from DHS, she would know the importance of submitting verifications. Under those circumstances it is far more likely that Claimant's landlady would make sure Claimant got the correspondence. In addition to the fact that this assertion is highly improbable, there is no other evidence in the record that supports the assertion. The evidence in this record is insufficient to rebut the legal presumption that Claimant received both the Verification Checklist (DHS Form 3503) and Quick Note.

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) for failure to provide required verifications.

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

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

Date Signed: 4/16/13

Date Mailed: 4/17/13

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.

GFH/tb

cc:

