

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-37109  
Issue No.: 2006, 3008  
Case No.: [REDACTED]  
Hearing Date: April 25, 2013  
County: Montcalm 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 April 25, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED].

**ISSUE**

Due to a failure to comply with verification requirements, did the Department properly close the Claimant's Food Assistance Program (FAP) benefits and Medical Assistance (MA) benefits?

**FINDINGS OF FACT**

I find as material fact based upon competent, material, and substantial evidence on the whole record, including testimony of witnesses:

1. As of March 1, 2013, the Claimant was receiving FAP benefits and MA assistance.
2. On March 4, 2013, the Department sent the Claimant a verification checklist. The checklist requested proofs for trust payments. The verifications were due by March 14, 2013.
3. As of March 14, 2013, the Claimant had not returned the requested verifications.
4. On March 15, 2013, the Department sent the Claimant a notice of case action. The notice indicated the Department was closing the Claimant's FAP case and MA case effective April 1, 2013 for failing to return the requested verifications.
5. On March 26, 2013, the Claimant requested a hearing.

## 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.

The MA program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

Clients have the right to contest a Department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. (BAM 600).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. (BAM 105). This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. (BAM 105).

Testimony and other evidence must be weighed and considered according to its reasonableness.<sup>1</sup> Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine.<sup>2</sup> In evaluating the credibility and weight to be given 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.<sup>3</sup>

I have carefully considered and weighed the testimony and other evidence in the record and find the Department's testimony to be slightly more credible than the Claimant as the Department witness had a clearer recollection of the dates, times and events in question. Additionally, the Claimant has the responsibility of at least attempting to retrieve the verifications requested. And that doesn't appear to be the case here. The Claimant pushed the verification search off onto the Department the day the verifications were due and although there is speculation that the Claimant's brother contacted the Department, there is no evidence of what information was provided when it was provided and zero evidence that the brother is in fact the owner of [REDACTED] as the Claimant alleges.

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<sup>1</sup> *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).

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

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

I do believe that if the brother is who the Claimant claims he is, then it should not have been a problem for the Claimant to obtain the verifications documents as requested by the Department.

Because, I do not find the Claimant made an honest good faith attempt to obtain the documentation requested, I find the Department's actions were appropriate in this case.

Accordingly, I find evidence to **affirm** the Department's actions.

### **DECISION AND ORDER**

I find, based upon the above Findings of Fact and Conclusions of Law, the Department did act properly.

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



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

Date Signed: April 26, 2013

Date Mailed: April 26, 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.

2013-37109/CAA

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

CAA/las

cc:

