

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201337793
Issue No.: 3008, 6015
Case No.: [REDACTED]
Hearing Date: May 1, 2013
County: Kalamazoo

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 May 1, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) on April 1, 2013 for failure to provide required verifications?

Did the Department of Human Services properly determine Claimant's Child Development and Care (CDC) eligibility on March 18, 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 Child Development and Care (CDC) benefits. Claimant's eligibility certification period would end March 31, 2013.
- (2) On February 13, 2013, Claimant submitted her Semi-Annual Contact Report (DHS-1046).
- (3) On March 5, 2013, Claimant was sent a Verification Checklist (DHS Form 3503) requesting verification of all income from both [REDACTED] and [REDACTED] Care. Verification was also requested for all needed hours for Child Development and Care (CDC). Verifications were due March 15, 2013.

- (4) On March 11, 2013, Claimant submitted a [REDACTED]. The Department also received the Verification of Employment (DHS Form 38) sent for [REDACTED] [REDACTED] which had been filled out by [REDACTED]. The submission from [REDACTED] stated Claimant had not worked since January 31, 2013 due to a [REDACTED] and included [REDACTED] through the [REDACTED] [REDACTED]
- (5) On March 12, 2013, Claimant submitted a Child Development and Care Provider Verification (DHS-4025).
- (6) On March 18, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) would close on April 4, 2013.
- (7) On March 21, 2013, Claimant submitted a request for hearing.

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 Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case the March 5, 2013 Verification Checklist (DHS Form 3503) specified that the Department's records showed earnings at both [REDACTED] and [REDACTED]. The Verification Checklist (DHS Form 3503) requested all current earned income as well as verification of Claimant's CDC need during approved activities. Claimant testified that she was no longer working at [REDACTED] and had only worked there for a short period of time. The Verification of Employment (DHS Form 38) filled out by [REDACTED] [REDACTED] stated that Claimant was not currently working due to a [REDACTED] and did not give an expected return date. Claimant submitted a [REDACTED] for classes she planned to take during the [REDACTED]. The information she submitted states that [REDACTED] [REDACTED] was not until April 8, 2013.

To determine Claimant's Food Assistance Program (FAP) eligibility the Department required a verification that Claimant was no longer working at [REDACTED]. The Department did not receive any such verification and Claimant does not dispute that fact.

On March 12, 2013, Claimant submitted a Child Development and Care Provider Verification (DHS-4025) which indicated the provider began watching her [REDACTED] on March 11, 2013. The information Claimant had submitted to the Department did not show that Claimant was in school yet or that she was working anywhere.

On March 18, 2013, The Department had conflicting information that Claimant had no verified need reason for CDC but was utilizing child care. Neither did the Department have verification that Claimant was or was not working at [REDACTED] for use in determining her Food Assistance Program (FAP) eligibility. The Department correctly closed Claimant's FAP and did not authorize any CDC.

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) on April 1, 2013 for failure to provide required verifications and determined she had no need for Child Development and Care (CDC).

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: 5/6/13

Date Mailed: 5/6/13

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 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.

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 48909-0

GFH/tb

cc:

