

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201418760  
Issue No.: 2010; 3002; 4002  
Case No.: [REDACTED]  
Hearing Date: January 16, 2014  
County: Wayne (57)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on January 16, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Manager, and [REDACTED], Eligibility Specialist.

**ISSUE**

Did the Department properly close Claimant's Food Assistance Program (FAP), Adult Medical Program (AMP) and State Disability Assistance (SDA) programs?

**FINDINGS OF FACT**

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

1. Claimant was an ongoing recipient of FAP, AMP and SDA benefits.
2. In connection with employment information received from the Michigan Department of Energy Labor and Economic Growth (DELEG) on [REDACTED], 2013, the Department sent Claimant a Wage Match Client Notice concerning his employment at [REDACTED] requesting that he have his employer complete and return to the Department by [REDACTED], 2013.
3. The completed Wage Match Client Notice was not returned to the Department.

4. On [REDACTED], 2013, the Department sent Claimant a Notice of Case Action closing his SDA FAP, AMP cases effective [REDACTED] 2014, for failure to verify requested information.
5. On [REDACTED], 2013, Claimant filed a request for hearing disputing the Department's actions.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

The Adult Medical Program (AMP) is established by 42 USC 1315 and is administered by the Department pursuant to MCL 400.10.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Additionally, a client has an obligation to report new employment. BAM 807 (July 2013), p. 1; BAM 105 (October 2013), p. 9. If the Department's data exchange with DELEG shows that a client has income inconsistent with the Department's information in the client's file, the Department is required to reconcile the discrepancy by sending the client a Wage Match Client Notice, DHS-4638, giving the client 30 days to provide verification of wage match earnings. BAM 802 (December 2013), pp. 1-2. If verifications are not returned by the 30<sup>th</sup> day, ongoing FAP, AMP and SDA cases will close for a minimum of 30 days after the Department takes appropriate actions in its system unless the client returns the verifications. BAM 802, p. 2.

In this case, the Department presented into evidence a copy of the [REDACTED], 2013, Wage Match Client Notice it sent Claimant, requesting that he have the listed employer, [REDACTED], return a completed Notice to the Department by [REDACTED], 2013. When no Notice was returned, the Department sent Claimant the [REDACTED], 2013; Notice of Case Action closing his SDA, AMP and FAP cases effective [REDACTED], 2014, for failure to verify.

At the hearing, Claimant admitted he did not report his employment or ask the employer to complete the Wage Match Client Notice at any time prior to the hearing. Claimant denied receiving the Wage Match Client Notice. The Department testified that the Notice was sent to Claimant from its central print office in Lansing to the address it had on record for Claimant. Claimant confirmed that the copy of the Notice admitted into evidence was properly addressed to him and that he did not have any issues with his mail. Claimant's hearing request, which was tied into the [REDACTED] 2013, Notice of Case Action sent to him, confirmed that he received the Notice of Case Action. Under the facts presented, Claimant failed to rebut the presumption that he received the properly addressed Wage Match Client Notice sent by the Department in its ordinary course of business. See *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270, 275-278 (1976). Therefore, the Department acted in accordance with Department policy when it closed Claimant's FAP, SDA, and AMP cases for failure to verify requested information.


At the hearing, Claimant also expressed concerns because the Department failed to continue to issue his SDA and FAP benefits pending the hearing. While waiting for the hearing decision, recipients must continue to receive the assistance authorized prior to the notice of negative action when the request for hearing was filed timely. BAM 600 (July 1, 2013), p. 21. A hearing is timely filed if the request is received anywhere in the Department within 11 days of the effective date of the negative action. BAM 600, p. 21.

In this case, Claimant's [REDACTED], 2013 request for hearing was timely filed within eleven days of the [REDACTED] 2013, Notice of Case Action. Because Claimant's case involved a failure to verify not associated with the lapse of a certification period, Claimant was eligible for ongoing benefits pending the hearing at the level authorized prior to the notice of negative action. However, because this Hearing Decision is upholding the Department's actions, Claimant will be required to repay any overissuance resulting from such benefits being issued to him. BAM 700 (July 2013), pp. 3. 6. Thus, the Department's failure to issue ongoing benefits was harmless in this case.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed Claimant's FAP, SDA, and AMP cases.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.



**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: January 22, 2014

Date Mailed: January 22, 2014

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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 mailing 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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

ACE/tlf

cc:

