

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-21118  
Issue No(s): 1002; 2002; 3002  
Case No.: [REDACTED]  
Hearing Date: February 12, 2014  
County: Washtenaw

**ADMINISTRATIVE LAW JUDGE:** Michael S. Newell

**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 February 12, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED] Claimant's Careworker. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Family Independent Specialist AND [REDACTED] Family Independence Manager

**ISSUE**

Did the Department properly close Claimant's FAP, FIP, and MA for failure to verify?

**FINDINGS OF FACT**

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

1. On December 16, 2013, the Department sent Claimant a verification checklist with a due date of December 30, 2013.
2. On December 16, 2014, Claimant faxed the Department some information (see fax confirmation, Exhibit 4), but the fax Department denied receiving the fax confirmation.
3. The information for the [REDACTED] was one page from a loan statement and did not identify the vehicle.
4. Claimant owned a [REDACTED] and a [REDACTED] at the time that the information was requested.
5. The documentation purportedly for the [REDACTED] was one page from a bank statement that did not indicate what vehicle it applied to. (Exhibit 3.4)

6. On or around December 30, 2014, Claimant faxed the Department various bank statements that she had not faxed before.
7. Claimant testified that she had not faxed her bank records previously because she did not know of the accounts.
8. Claimant's sister was Claimant's power of attorney and purportedly had opened accounts in Claimant's name without her knowledge or consent.
9. On December 30, 2013, the Department received Claimant's hearing request. A hearing was set for February 4, 2014.
10. On January 27, 2014, Claimant requested an adjournment, which was granted on January 28, 2014, adjourning the hearing to February 12, 2014.
11. On February 10, 2014, Claimant requested an adjournment, which was denied on February 11, 2014.

### **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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

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 Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

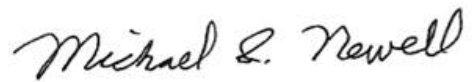
Additionally, The Department acted in accordance with policy when I closed Claimant's benefits. On its face, exhibit 3.4 is not helpful for verifying anything. Claimant offered evasive and nonresponsive testimony when asked about her ownership of the [REDACTED]. She also testified that she donated the [REDACTED] before sending in her verifications that indicated that she owned the [REDACTED]. Claimant's testimony did not add up, and both

the attempt to verify the [REDACTED] and her testimony in this regard was evasive and less than forthright.

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 terminated Claimant's FIP, MA, and FAP.

**DECISION AND ORDER**

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



**Michael S. Newell**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: February 21, 2014

Date Mailed: February 21, 2014

**NOTICE OF AP PEAL:** 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

MSN/las

cc:

