

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

IN THE MATTER OF:



Reg. No.: 14-000403
Issue No.: 5000; 3002
Case No.: [REDACTED]
Hearing Date: May 1, 2014
County: Macomb #36

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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, telephone hearing was held on Thursday, May 1, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], ES.

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input checked="" type="checkbox"/> State Emergency Services (SER)? |
| <input type="checkbox"/> Adult Medical Assistance (AMP)? | <input type="checkbox"/> State SSI Payments (SSP)? |

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 applied for and received: FAP and SER benefits.
2. On December 30, 2013, the Department closed Claimant's case due to failure to provide verification.
3. On December 30, 2013, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.
4. On March 25, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting 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), and Department of Human Services Reference Tables Manual (RFT).

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 State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049. Department policies are found in the Department of Human Services State Emergency Relief Manual (ERM).

Additionally, the Claimant applied for FAP on December 4, 2013 and approved for expedited FAP. Department Exhibit 5-27. On December 12, 2013, the Department Caseworker sent the Claimant a Verification Checklist for written verification of that was due December 23, 2013. Department Exhibit 32-33. The Claimant failed to provide the required verification of her assets that were due on December 23, 2013. As a result, the Department Caseworker sent the Claimant a notice on December 30, 2013, that FAP would be closing on February 1, 2014 due to failure to provide verification. Department Exhibit 46-52.

On May 31, 2013, the Claimant applied for SER. The Claimant was denied on June 4, 2013 because she did not have a [REDACTED]. The Claimant requested a hearing on [REDACTED]. Department Exhibit 28-31. However, the Claimant's hearing request is not timely because it was not received within 90 days of a denial notice of June 4, 2013 and is therefore, dismissed. BAM 105, 115, 130, 200, 210, and 220. BEM 230b and 245.

Therefore, this Administrative Law Judge finds that the Department has met their burden that the Claimant failed to verify her assets for FAP resulting in her FAP benefits being closed and that the that the Claimant's SER hearing request is not timely of 90 days with a denial notice of June 4, 2013 and is therefore, dismissed .

The Administrative Law Judge, based upon 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 the Claimant's FAP case for failure to provide verification by the due date and the Claimant's SER hearing request is dismissed because it is not timely within 90 days of the denial notice and is therefore, dismissed .

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

Carmen G. Fahie

Carmen Fahie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/9/14

Date Mailed: 5/9/14

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

CGF/tb

cc:

