

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

IN THE MATTER OF:



Reg. No.: 14-010264
Issue No.: 3002
Case No.:
Hearing Date: September 24, 2014
County: Genesee County DHS #6

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 September 24, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator

ISSUE

Did the Department properly close Claimant's Food Assistance Program on July 31, 2014?

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 Food Assistance Program benefits. Claimant's Food Assistance Program eligibility was required to be re-determined by July 31, 2014.
2. On June 2, 2014, a Semi-Annual Contact Report (DHS-1046) was sent to Claimant at her address of record on Belsay Road. The report was due on July 1, 2014.
3. On approximately June 20, 2014, Claimant relocated to a new residence.
4. On July 10, 2014, Claimant was sent a Notice of Potential Food Assistance (FAP) Closure (DHS-1046A) which stated her Food Assistance Program would close on July 31, 2014. The notice was mailed to Claimant's address.
5. On August 5, 2014, Claimant came in to the DHS local office.

6. On August 14, 2014, Claimant submitted a hearing request.

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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

Claimant's asserts that her Food Assistance Program should not have closed because she did not get the Semi-Annual Contact Report (DHS-1046) and the Department sent the Notice of Potential Food Assistance (FAP) Closure (DHS-1046A) to the wrong address.

During this hearing Claimant testified that the [REDACTED] address is the residence of a friend and that she moved from the [REDACTED] address on approximately June 20, 2014. Claimant testified that she reported the change of address to the Department on June 23, 2014. Claimant testified that she did not receive the Semi-Annual Contact Report (DHS-1046) mailed on June 2, 2014. Claimant also testified that she received the Notice of Potential Food Assistance (FAP) Closure (DHS-1046A) mailed on July 10, 2014 but not until July 25, 2014. Claimant testified that she called her case worker several times but the voicemail was full so she finally went in to the office on August 5, 2014.

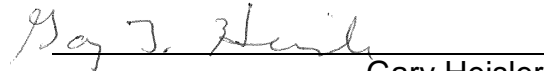
The June 2, 2014, Semi-Annual Contact Report (DHS-1046) was mailed to Claimant's address of record. The Department meets its burden of providing notice by mailing correspondence to the address of record a client provides. What happens at the address provided by the client is the client's responsibility. Claimant testified that she did receive the Notice of Potential Food Assistance (FAP) Closure (DHS-1046A) on July 25, 2014. July 25, 2014 was a Friday. Claimant had four business days, Monday July 28, 2014 through Thursday July 31, 2014 to address the pending closure. Claimant testified that she called several times and was unable to leave a message. However, Claimant did not bother to come in to the local office until after the Food Assistance Program closed.

Evidence in this record shows that closure of Claimant's Food Assistance Program was not caused by any incorrect actions of the Department. 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 Food Assistance Program on July 31, 2014.

DECISION AND ORDER

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



Gary Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/2/2014**

Date Mailed: **10/2/2014**

GFH/hj

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

cc:

