

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

IN THE MATTER OF:



Reg. No.: 201422123
Issue No.: 3001
Case No.: [REDACTED]
Hearing Date: February 10, 2014
County: Oakland (03)

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 February 10, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP)?

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 benefits.
2. On November 13, 2013, the Department sent Claimant a New Hire Client Notice concerning her son's employment.
3. On November 19, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits had increased.
4. On November 25, 2013, the New Hire Client Notice and the Notice of Case Action were returned to the Department as undeliverable/unable to forward.

5. On November 26, 2013, the Department sent Claimant a Verification Checklist (VCL) asking her to contact the Department by December 6, 2013 with a current address or phone number where she could be contacted.
6. On December 2, 2013, the VCL was returned to the Department as undeliverable/unable to forward.
7. On December 10, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP case would close effective January 1, 2014.
8. On December 23, 2013, the December 10, 2013 Notice of Case Action was returned to the Department as undeliverable/unable to forward.
9. On January 15, 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.

Additionally, the Department testified that Claimant's FAP case was closed because it had not been able to locate Claimant and she had not responded to the VCL.

For FAP cases, the Department's local office must verify that an individual lives in the area served by the office. BEM 220 (January 2014), p. 6. On November 25, 2013, two notices sent to Claimant were returned to the Department as undeliverable/unable to forward. The Department presented evidence that on November 26, 2013, it sent Claimant a VCL requesting that she contact the Department by December 6, 2013 with her current address and phone number. The VCL was returned to the Department as undeliverable on December 2, 2013. Claimant did not respond to the VCL by the due date. The Department subsequently closed Claimant's FAP case.

At the hearing, Claimant testified that she moved from her former residence on October 29, 2013. Although she testified that she mailed the post office a forwarding address notice, she admitted that she had not notified the Department of her change of address. See BAM 105 (January 2014), p. 10. She also admitted that she had not contacted the Department prior to January 10, 2014, to notify them of her change of address. In light


of Claimant's admission, the Department acted in accordance with Department policy when it closed Claimant's FAP case for failure to verify her current address. See BAM 130 (January 2014), p. 6.

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 case effective January 1, 2014.

At the hearing, the Department testified that Claimant had subsequently reapplied for FAP benefits and been approved. This Hearing Decision does not affect that action.

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: February 12, 2014

Date Mailed: February 12, 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.

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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:

