

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

IN THE MATTER OF:

████████████████████
████████████████████
████████████████████

Reg. No.: 2014-30314
Issue No(s): 2010; 3002
Case No.: ██████████
Hearing Date: March 31, 2014
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 March 31, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly close Claimant's Adult Medical Program (AMP) and Food Assistance Program (FAP) benefits effective March 1, 2014, ongoing?

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 AMP and FAP benefits.
2. On November 26, 2013, the Department sent Claimant a New Hire Client Notice ("new hire"), which was due back by December 6, 2013. See Exhibit 1.
3. Claimant failed to respond to the new hire.
4. On February 12, 2014, the Department sent Claimant a Notice of Case Action notifying him that his AMP and FAP benefits closed effective March 1, 2014, ongoing, due to his failure to comply with the verification requirements. See Exhibit 1.

5. On February 28, 2014, Claimant filed a hearing request, protesting the AMP and FAP case closures. See Exhibit 1.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (January 2014), p. 7. This includes completion of necessary forms. BAM 105, p. 7.

For FAP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verifications it requests. BAM 130 (January 2014), p. 5. The Department sends a negative action notice when: the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 6.

For MA cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verifications it request. BAM 130, p. 6. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to three times. BAM 130, p. 6. The Department sends a case action notice when: the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130, p. 7.

The Department requests verification by generating a DHS-4635, New Hire Notice, from its system. BAM 807 (July 2013), p. 1. When a DHS-4635 is requested, the Department automatically gives the client 10 calendar days to provide verification from the date the forms were requested. BAM 807, p. 1.

If verifications are not returned by the 10th day, the case will close for a minimum of 30 days after appropriate actions are taken by the Department, unless client returns verifications. BAM 807, p. 2.

In this case, Claimant was an ongoing recipient of AMP and FAP benefits. On November 26, 2013, the Department sent Claimant a new hire, which was due back by December 6, 2013. See Exhibit 1. The Department testified that it was centrally printed and the form was not returned as undeliverable. Moreover, the Department testified that Claimant failed to respond to the new hire. Thus, on February 12, 2014, the Department sent Claimant a Notice of Case Action notifying him that his AMP and FAP benefits closed effective March 1, 2014, ongoing, due to his failure to comply with the verification requirements. See Exhibit 1.

At the hearing, Claimant testified that he never received the new hire. Claimant testified that he has no issues in receiving his DHS correspondence, other than his not receiving the new hire. Claimant testified that his grandmother might have disposed of the mail. However, Claimant testified that his grandmother has medical issues and he would be unable to verify if she received the new hire.

The proper mailing and addressing of a letter creates a presumption of receipt which may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976).

Based on the foregoing information and evidence, the Department properly closed Claimant's AMP and FAP benefits effective March 1, 2014, ongoing, in accordance with Department policy.

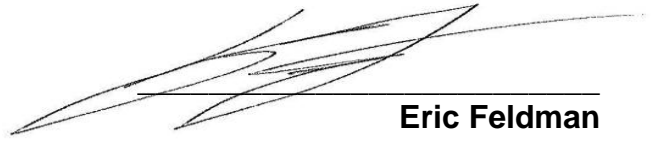
First, it is found that Claimant failed to rebut the presumption of proper mailing. The Department provided credible evidence that it properly sent the new hire to Claimant's address. See Exhibit 1. Moreover, the Department did not receive any returned mail. As such, the evidence presented that the new hire was properly mailed to Claimant's address.

Second, as stated above, the evidence presented that the new hire was sent to the proper address. Claimant failed to submit the requested verifications by the due date. Claimant must complete the necessary forms in determining his ongoing AMP and FAP eligibility. BAM 105, p. 7. Because the new hire was properly mailed and the Claimant failed to submit the requested verifications by to the due date, the Department acted in accordance with Department policy when it closed Claimant's AMP/FAP benefits effective March 1, 2014, ongoing. BAM 105, p. 7; BAM 130, pp. 5-7; and BAM 807, pp. 1-2.

DECISION AND ORDER

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 properly closed Claimant's AMP and FAP benefits effective March 1, 2014, ongoing.

Accordingly, the Department's AMP and FAP decision is AFFIRMED.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 7, 2014

Date Mailed: April 7, 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

EJF/cl

CC: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]