

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

IN THE MATTER OF:



Reg. No.: 14-011559
Issue No.: 3008
Case No.:
Hearing Date: October 09, 2014
County: GENESEE-DISTRICT 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 October 9, 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 determine Claimant's Food Assistance Program eligibility on August 27, 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. On August 4, 2014, Claimant submitted a Food Assistance Program application. On the application Claimant listed Chrysler as her employer.
2. On August 15, 2014, Claimant submitted two pay check stubs from
3. On August 22, 2014, Claimant was told by the Department that if she was no longer working for she needed to submit verification of the loss of employment.
4. On August 27, 2014, the Department had not received verification of loss of employment from Chrysler. Claimant's Food Assistance Program eligibility was run and she was sent a Notice of Case Action (DHS-1605) which showed she had a monthly income of \$2,700.

5. On September 2, 2014, Claimant submitted a hearing request disputing that she was making \$2,700 per month.
6. On September 15, 2014, Claimant met with Supervisor [REDACTED] and a verification letter from Chrysler dated August 22, 2014. The letter stated that Claimant had not worked at Chrysler since July 24, 2012 because there had not been any more part time work.

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 asserts she submitted the verification from Chrysler on August 22, 2014. Claimant testified that on August 22, 2014, after she spoke to the case worker, she contacted the Human Resources office at Chrysler and had them send her verification attached to an Email. Claimant went on to testify that she went to the library, printed the attachment, brought it to the DHS office and dropped it off at the window and signed the log book. The letter from Chrysler which was received on September 15, 2014, is dated August 22, 2014.

Claimant also testified that she came back on August 29, 2014, because she was not able to get through to the case worker. When asked, Claimant testified that she did not bring a copy of the Chrysler letter when she came in on August 29, 2014.

The record contains two separate signed statements from Supervisor K. Griffith that she (K. Griffith) checked the log book and did not find Claimant's signature.

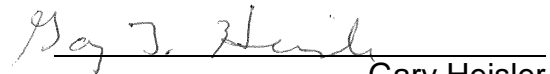
Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may

have in the outcome of the matter. *People v Wade*, 303 Mich 303 (1942), *cert den*, 318 US 783 (1943). Based on the totality of the evidence in this record, Claimant's testimony that she turned in the Chrysler verification on August 22, 2014, is not found credible. Therefor it was correct for the Department to include the prospective earned income from Chrysler in Claimant's August 27, 2014 Food Assistance Program financial eligibility budget.

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 determined Claimant's Food Assistance Program eligibility on August 27, 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: **10/13/2014**

Date Mailed: **10/13/2014**

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:

