

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

IN THE MATTER OF:



Reg. No.: 14-012638
Issue No.: 1001, 2000, 3001
Case No.: [REDACTED]
Hearing Date: October 29, 2014
County: CALHOUN (DISTRICT 21)

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 29, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator Warner and C/M [REDACTED]. There is no Medical Assistance issue in this hearing.

ISSUE

Did the Department properly close Claimant's Family Independence Program and Food Assistance Program on September 1, 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 Family Independence Program and Food Assistance Program benefits
2. On July 15, 2014, Claimant was sent a Redetermination (DHS-1010) for her Family Independence Program and Food Assistance Program benefits. Redetermination of Claimant's eligibility had to be completed by September 1, 2014. The documentation and verifications were due August 1, 2014.
3. On August 1, 2014, Claimant had not returned the required documentation and verifications. Claimant was sent a Notice of Missed Interview (DHS-254) which stated her Food Assistance Program redetermination would be denied if she did not reschedule an interview before August 31, 2014.

4. On August 18, 2014, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Family Independence Program would close on September 1, 2014.
5. On September 1, 2014, Claimant's Family Independence Program and Food Assistance Program closed.
6. On September 8, 2014, Claimant submitted a hearing request.
7. On September 9, 2014, Claimant submitted an application for Family Independence Program and Food Assistance Program benefits.
8. On September 15, 2014, Claimant submitted a duplicate 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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

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.

During this hearing Claimant testified that she: moved from [REDACTED] in December 2013; did not receive the Redetermination (DHS-1010) mailed to [REDACTED] on July 15, 2014; did receive the Notice of Missed Interview (DHS-254) mailed to [REDACTED] on August 1, 2014; spoke with her DHS case worker by telephone before August 31, 2014; and did not receive the Redetermination (DHS-1010) that was reprinted and sent to Birdsell Drive on August 25, 2014. Claimant was asked when she reported the move from Birdsell Drive and testified she knew she had to report it within 10 days. Claimant was asked how she got the Notice of Missed Interview (DHS-254) mailed to [REDACTED] on August 1, 2014 and stated the postman had incorrectly put it into her old neighbor's mailbox and the neighbor gave it to her.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dept of*

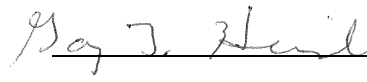
Community Health v Risch, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). In evaluating the 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).

Claimant asserts that she reported her change of address and implies that her failure to submit redetermination paperwork on time is the Department's fault. Neither Claimant's assertion nor implication is credible. Claimant testified that she received the Notice of Missed Interview (DHS-254) mailed to [REDACTED] on August 1, 2014 from her old neighbor and then spoke with her DHS case worker after receiving it. In accordance with Claimant's testimony at this hearing, she had not lived at Birdsall Drive since December 2013. However, she did not tell the case worker that the August 1, 2014 Notice of Missed Interview (DHS-254) was sent to an incorrect address. The credible evidence in this record shows that the Department sent all the correspondence to Claimant's address of record. That fulfills the Department's responsibility to provide Claimant notice of the requirements to continue receiving benefits.

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 Family Independence Program and Food Assistance Program on September 1, 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: **11/5/2014**

Date Mailed: **11/5/2014**

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:

