

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-018751
Issue No.: 3001
Case No.: [REDACTED]
Hearing Date: January 28, 2015
County: Gratiot

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong (for ALJ William Sundquist)

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 3-way telephone hearing was held on January 28, 2015, from Lansing, Michigan. Claimant personally appeared and testified. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator [REDACTED] Hearing Facilitator [REDACTED] and Eligibility Specialist [REDACTED]. Although ALJ William Sundquist presided over the hearing in this matter, the undersigned ALJ has reviewed the entire hearing record including the digital audio recording(s), all documents and admitted exhibits in this hearing, generates the instant Hearing Decision in the absence of the presiding ALJ.

ISSUE

Did the Department properly reduce Claimant's Food Assistance Program (FAP) benefits from \$194.00 to \$23.00 on November 7, 2014, as a result of Claimant failing to timely return his shelter verification?

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 October 16, 2014, Claimant notified the Department that he had been kicked out of his home.
2. On October 17, 2014, the Department mailed Claimant a Verification Checklist requesting verification of his current residence, due by 10/27/2014.
3. On November 7, 2014, the Department mailed Claimant a Notice of Case Action indicating his FAP benefits had decreased to \$ [REDACTED] a month beginning 12/1/2014 because his shelter expense had changed.
4. On December 17, 2014, Claimant verbally requested a Hearing contesting the Department's negative action.

5. On December 19, 2014, the Department mailed Claimant a Pre-Hearing Conference notice indicating the conference was scheduled for 12/30/2014 at 11AM in Gladwin County.

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.

On November 7, 2014, the Department decreased Claimant's FAP benefit to \$ [REDACTED] from \$ [REDACTED] for his failure to timely return the shelter verification.

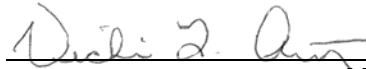
Claimant testified he notified the Department representative, [REDACTED] of his new address on October 12, 2014. [REDACTED] testified that Claimant did not call her until 10/16/2014, at which time he told her that he would be looking for a new place to live, but would still be using the address for his mailing address. [REDACTED] explained that to Claimant that he needed to notify her immediately once he found a new place to live, and she mailed out a Verification Checklist for proof of his new address.

[REDACTED] testified that Claimant called her on December 16, 2014, with the change in address. She stated she asked him when he moved, and he said his father died on November 21, 2014, and he moved out after that. Claimant did not contest [REDACTED] statement.

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 decreased Claimant's FAP benefits on November 7, 2014, for failing to timely return the shelter verification with his new address.

DECISION AND ORDER

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



Vicki Armstrong
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/17/2015**

Date Mailed: **2/17/2015**

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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 48909-8139

cc:

