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

IN THE MATTER OF:

[redacted]

Reg. No.: 14-018721
Issue No.: 2000, 3001
Case No.: [redacted]
Hearing Date: February 12, 2015
County: WASHTENAW (DISTRICT 20)

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 February 12, 2015, from Lansing, Michigan. Participants on behalf of Claimant included himself. Participants on behalf of the Department of Human Services (Department) included Assistance Payment Worker [redacted] and Hearing Facilitator [redacted]

ISSUE

Did the Department properly close Claimant's Food Assistance Program on December 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 Medical Assistance and Food Assistance Program benefits.

2. On November 7, 2014, Claimant had failed to submit redetermination paperwork sent to his last reported physical address, which was required to re-determine his eligibility for Medical Assistance and Food Assistance Program from December 1, 2014 ongoing. A Notice of Missed Interview (DHS-254) was sent to Claimant at his last reported physical address which stated his Food Assistance Program redetermination would be denied if he did not reschedule an interview before November 30, 2014.

3. On November 15, 2014, a Health Care Coverage Determination Notice (DHS-1606) was sent to his last reported physical address, which stated his Medical

Assistance was denied beginning December 1, 2014 for failure to return a re-determination form.

4. On December 10, 2014, Claimant submitted a hearing request. The heading on Claimant's hearing request is the same address the Department sent the re-determination papers and notices to.

5. On December 19, 2014, Claimant submitted an application for both Medical Assistance and Food Assistance Program benefits. Claimant was approved for both programs. His Medical Assistance eligibility was applied from December 1, 2014. Since Claimant had no loss of Medical Assistance benefits, that portion of the hearing is dismissed. Claimant was not determined eligible for Food Assistance Program benefits from December 1, 2014 to December 19, 2014.

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.

During this hearing Claimant testified that the previous address, where all the correspondence was sent, is a home he owns. Claimant also testified that a Child Protective Services (CPS) made them leave the home and the CPS worker was collecting mail from the address for him but he did not get the mail because she was off work during October. At another point in the hearing Claimant testified that he sent AP Ali an Email on November 7, 2014 to report a change of address. Claimant was asked if he had printed off documentation to support that assertion and stated he did not. Claimant also testified that since November 6, 2014, he had stayed at three other locations.

AP Ali testified that she did get an Email from Claimant. AP Ali testified that she did not get the Email until sometime in December, after his cases closed. AP Ali testified that she does not remember the date of the Email but definitely remembers it was after Claimant's cases closed on December 1, 2014.

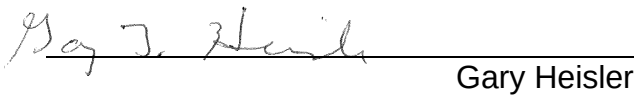
Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of*

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 the record, AP Ali's testimony is found more credible. 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 Food Assistance Program on December 1, 2014.

DECISION AND ORDER

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



Gary Heisler
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/25/2015**

Date Mailed: **2/25/2015**

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 48909-8139

cc: [redacted]