

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

**IN THE MATTER OF:**



Reg. No.: 15-005383  
Issue No.: 3003, 5001  
Case No.: [REDACTED]  
Hearing Date: May 19, 2015  
County: Genesee-District 2

**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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on May 19, 2015, from Lansing, Michigan. Participants on behalf of Claimant included himself. Participants on behalf of the Department of Health and Human Services (Department) included Hearing Facilitator [REDACTED]. There is no Medical Assistance issue for this hearing. The Medical Assistance portion is dismissed.

**ISSUE**

Did the Department properly close Claimant's Food Assistance Program on February 28, 2015?

Did the Department properly deny Claimant's March 11, 2015, State Emergency Relief Program application?

**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 Food Assistance Program benefits. Claimant's Food Assistance Program was due for eligibility re-determination at the end of his annual certification period on February 28, 2015.
2. On January 13, 2015, Claimant was sent a Redetermination (DHS-1010). The information and required verifications were due back on February 4, 2015 so that a required interview could be conducted.
3. On February 4, 2015, the Department had not received the Redetermination (DHS-1010) and required verifications. No interview was conducted and Claimant was sent a Notice of Missed Interview (DHS-254).

4. On February 28, 2015, Claimant's Food Assistance Program closed in accordance with Bridges Administration Manual (BAM) 210 Redetermination/Ex Parte Interview.
5. On March 11, 2015, Claimant submitted a State Emergency Relief Program application.
6. On March 12, 2015, Claimant was sent a State Emergency Relief Decision Notice (DHS-1419) denying his application.
7. On March 31, 2015, Claimant submitted a hearing request.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

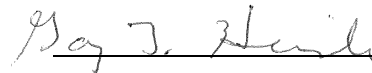
During this hearing Claimant testified that he did not receive the Redetermination (DHS-1010) sent to him on January 13, 2015 or the Notice of Missed Interview (DHS-254) sent on February 4, 2015. However, Claimant did receive the State Emergency Relief Decision Notice (DHS-1419) sent on March 12, 2015, the Notice of Case Action (DHS-1605) sent on March 31, 2015, the Hearing Packet sent on April 2, 2015 and the notice for this hearing sent on April 22, 2015. The proper mailing and addressing of a letter creates a presumption of receipt. That presumption 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). There is no evidence in this record sufficient to rebut the presumption of receipt. Claimant's assertion that he did not get notice of the re-determination requirement is not established.

Claimant did not dispute the utility company's information that no payments have been made on his account. State Emergency Relief Manual 301 Energy Services clearly states that an SER group must make required payments toward their energy service in order to be eligible.

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 February 28, 2015 and denied Claimant's March 11, 2015, State Emergency Relief Program application.

**DECISION AND ORDER**

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



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**Gary Heisler**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Signed: **5/27/2015**

Date Mailed: **5/27/2015**

GH/las

**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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

