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

IN THE MATTER OF:

[redacted]

MAHS Reg. No.: 15-012718
Issue No.: 3002
Agency Case No.: [redacted]
Hearing Date: August 26, 2015
County: Sanilac

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 August 26, 2015, from Lansing, Michigan. Participants on behalf of the Claimant included the Claimant, [redacted], and her mother, [redacted]. Participants on behalf of the Department of Health and Human Services (Department) included Hearing Coordinator, [redacted], and Eligibility Specialist, [redacted].

ISSUE

Did the Department properly take action to close the Claimant's case for Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant was an ongoing recipient of monthly FAP benefits in the amount of $[redacted]

2. On the October 4, 2014, Assistance Application in evidence, the Claimant reported that she had no earned income. The Claimant reported that she suffers from no disability, and the Claimant testified during the hearing that she has a high school diploma and some college for education.

3. On May 15, 2015, the Claimant was mailed a wage match form to complete for the quarter of October through December 2014 for total earnings of $[redacted] The completed form was due by June 15, 2015.

4. On May 25, 2015, the Claimant telephoned her worker and was told that she needed to complete the forms even if she was no longer working for that employer. She was further instructed that if she was no longer working for that employer, she would have to have the form completed by the employer.

5. The uncontested testimony at the hearing was, as of the date of this hearing, the Claimant never did submit the completed wage match form.

6. On June 29, 2015, the Department sent the Claimant notice that her FAP case would close effective August 1, 2015.

7. On July 9, 2015, the Claimant verbally requested a hearing to protest the Department's actions.

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.

In this case, the Claimant asserted that she had reported her income and that if it was not budgeted then it was the Department's fault. This Administrative Law Judge does not address any over issuance and whether or not that over issuance is the fault of the Claimant or the Department. The issue in this case is whether the Department properly closed the Claimant's FAP case due to her failure to return the Wage Match Client Notices sent to her. It is not contested that these forms were never completed and submitted to the Department even as of the date of hearing.

The Claimant testified that she telephoned to "get a better understanding," of how to complete the forms. The Claimant testified that she asked to come in to have the forms explained to her and to obtain assistance in completing them. This testimony is found to be less than credible. It is not consistent with the case notes in evidence, which indicate that the Claimant merely expressed that she didn't understand why she was receiving the notices. Nor is the testimony consistent with the Claimant's mother's testimony that she and the Claimant had just become aware during the hearing that the forms contained differing dates. This Administrative Law Judge concludes that the Claimant

did not make any effort, not even closely reading the forms, to have the forms completed and submitted to the Department.

Bridges Administrative Manual (BAM) 802 (2015), p. 2, instructs the Department's worker to request verification of the wage match earnings by generating a DHS-4638, Wage Match Client Notice. The form automatically gives the Claimant 30 days to provide verification. The policy further provides that if the verifications are not returned by the 30th day, the case will close for a minimum of 30 days after appropriate actions are taken in the Department's computer system. It is not contested that the Claimant did not submit completed Wage Match Client Notices to the Department even as of the date of hearing. Therefore, when the Department took action to close the Claimant's FAP case this Administrative Law Judge concludes that the Department was acting in accordance with Departmental policy.

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 took action to close the Claimant's FAP case.

DECISION AND ORDER

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

Susanne E. Harris

Susanne E. Harris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **8/28/2015**

SEH/jaf

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: [redacted]