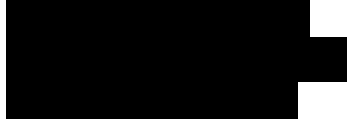


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

IN THE MATTER OF:



MAHS Reg. No.: 15-015478
Issue No.: 3001
Agency Case No.: [REDACTED]
Hearing Date: October 15, 2015
County: Wayne-District 31

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Petitioner'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 October 15, 2015, from Detroit, Michigan. The Petitioner was represented by Petitioner and [REDACTED], Claimant's daughter. The Department was represented by [REDACTED] Eligibility Specialist, and [REDACTED], Assistance Payment Supervisor.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case due to failure to return a completed New Hire Client Notice?

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 FAP benefits. His FAP group included his daughter Summer.
2. On June 29, 2015, the Department sent Claimant a New Hire Client Notice concerning Summer's employment with [REDACTED] [REDACTED] and requested that the form be completed and returned to the Department by July 9, 2015.
3. On July 29, 2015, the Department sent Claimant a Notice of Case Action notifying him that his FAP case was closing effective September 1, 2015, because he failed to verify requested information.

4. On August 28, 2015, Claimant submitted a request for hearing disputing 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 a July 29, 2015, Notice of Case Action, the Department notified Claimant that his FAP case was closing because he had failed to verify requested information. At the hearing, the Department explained that Claimant had failed to return the New Hire Client Notice sent to him on June 29, 2015, requesting that he complete and return the form regarding the employment of Summer, his daughter and FAP group member, at [REDACTED] by July 9, 2015.

When an active FAP recipient has failed to report employment and the Department becomes aware of the employment pursuant to a State New Hire Match, a daily data exchange of information where Michigan employers report new employees within 20 days of the hire date, the Department is required to request verification by generating a DHS-4635, New Hire Client Notice. BAM 807 (July 2015), p. 1. If verifications are not returned by the tenth day, case action will need to be initiated to close the case in Bridges. BAM 807, p. 2.

In this case, Claimant's daughter testified that she helped Claimant complete the New Hire Client Notice and mailed the completed form and [REDACTED] paystubs to the Department prior to the July 9, 2015, due date and was not aware that the Department did not receive the form until it sent the July 29, 2015, Notice of Case Action notifying Claimant that his FAP case would close effective September 1, 2015. The Department denied ever receiving a completed New Hire Client Notice prior to the case closure and testified that the only New Hire Notice Claimant returned, which was received by the Department on August 28, 2015, was incomplete because it did not include any employment information (Exhibit A).

The evidence in this case showed that Claimant's daughter reported to the Department on August 20, 2015, that [REDACTED] had left Claimant's home on June 17, 2015. A change reported August 20, 2015, would affect September 2015 FAP benefits. BAM

220 (July 2015), p. 10; BEM 212 (July 2014), p. 9. Because Claimant reported that [REDACTED] was no longer a member of the household as of the date the New Hire Client Notice was sent on June 29, 2015, her income was no longer a consideration in determining Claimant's ongoing FAP eligibility and benefit amount for September 2015 ongoing. Because [REDACTED] would no longer be an active recipient of FAP benefits on Claimant's case as of September 1, 2015, and her income information from the New Hire Client Notice was unnecessary in processing Claimant's ongoing FAP eligibility, the Department did not act in accordance with Department policy when it closed Claimant's FAP case for failure to provide the New Client Hire Notice.

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 did not act in accordance with Department policy when it closed Claimant's FAP case effective September 1, 2015.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's FAP case effective September 1, 2015;
2. Recalculate Claimant's FAP eligibility and benefit amount after removing [REDACTED] from the FAP group;
3. Issue supplements to Claimant for any FAP benefits he was eligible to receive but did not from September 1, 2015, ongoing; and
4. Notify Claimant and any authorized representative in writing of its decision.



Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **10/20/2015**

ACE/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:

