

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2009-17483
Issue No: 3022
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 5, 2009
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on May 5, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly terminate claimant's Food Assistance Program (FAP) benefits at the end of February, 2009?

FINDINGS OF FACT

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

- (1) Claimant was a FAP recipient when her case came due for a yearly review.
- (2) On January 16, 2009 department mailed the claimant a new application and a Verification Checklist scheduling an interview for January 28, 2009. (Department's Exhibit 2).

(3) Claimant did not keep her interview appointment. On January 28, 2009 department mailed the claimant a Notice of Missed Interview telling her it was now her responsibility to reschedule the FPA interview before February 20, 2009, or her application/redetermination will be denied. (Department's Exhibit 1).

(4) On February 2, 2009 department received a Shelter Verification for the claimant from [REDACTED] saying that the claimant resided there from January 13, 2009 to February 2, 2009. (Department's Exhibit 7).

(5) On February 13, 2009 department received the application from the claimant that was mailed to her for the FAP review. The application was not signed or dated by the claimant. Department also received a Change Report from the claimant saying she was homeless, but this form was not signed and dated either. (Department's Exhibits 9-12).

(6) On February 17, 2009 claimant's caseworker called [REDACTED] and was told that the claimant was not there. (Department's Exhibit 13).

(7) Claimant's FAP benefit certification expired on February 28, 2009, and her FAP benefits ended on this date. (Department's Exhibit 14).

(8) Claimant requested a hearing on March 9, 2009 stating she has been homeless since August, 2008, she did stay at a mission but then left there and went to [REDACTED] to stay with her daughter for a while, she was now back in [REDACTED] for a short time until she can find someplace to stay, and she personally believes that her caseworker did not want to help her anyway.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal

regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Departmental policy states that a redetermination is a periodic, thorough reevaluation of all eligibility factors to determine whether the group continues to be eligible for program benefits. A complete redetermination is required at least every 12 months for FAP cases. FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is entered. Department is to give or send the client a new DHS-1171, application, all required verification forms, and a completed DHS-3503, Verification Checklist, indicating the interview date, place, time and what verifications are required. These documents are to be mailed in the month prior to the redetermination month, but no later than two workdays before the end of that prior month. The FAP redetermination must be completed by the end of the current benefits period so that the client can receive uninterrupted benefits by the normal issuance date. The FAP group loses their right to uninterrupted FAP benefits if they fail to file the FAP redetermination by the timely filing date, or attend the scheduled interview, or submit verifications timely. PAM 210.

In claimant's case department mailed her redetermination materials on January 28, 2009, as required by policy, and because her FAP benefits were ending on February 28, 2009. Claimant did not show up for the interview. Departmental policy further states that the department is required to send a DHS-254, Notice of Missed Interview, advising it is the client's responsibility to request another interview date. If there is no contact from the client, the

redetermination cannot be processed and FAP benefits are terminated at the end of the certification period. Claimant was indeed sent this notice but never responded to it, leaving her caseworker no choice but to let her FAP benefits end.

Claimant testified that she did not report her movements to the department, and did not call to advise she was in [REDACTED] for the portion of the time in question. It was also pointed out to the claimant that her caseworker documented that she tried to locate her at the [REDACTED] [REDACTED] but she was not there and her whereabouts were unknown. Claimant explains that she was not taking her medications so she would forget things, however there would be no way for claimant's caseworker to know this without having any contact from the claimant. Claimant also states that she has been approved for SSI and needs Medicaid. Department's representative will assist the claimant in obtaining an application to complete and file following the conclusion of the hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly terminated claimant's FAP benefits at the end of February, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 5, 2009

Date Mailed: May 6, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

IR/db

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