

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: 2009-26064
Issue No: 3008; 3022
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 21, 2009
Berrien 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 July 21, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly terminate claimant's Food Assistance Program (FAP) benefits effective June 1, 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 redetermination. On April 20, 2009, department mailed the claimant a Redetermination application with an appointment date of May 1, 2009, requesting an in-person interview on this date. (Department's Exhibits 2-5).

2. Claimant did not show up for this interview. On May 1, 2009, department mailed the claimant a Notice of Missed Interview telling her it is now her responsibility to reschedule the interview before May 31, 2009, or her application/redetermination will be denied. This notice gave the caseworker's name and telephone number as contact information. (Department's Exhibit 6).

3. Claimant did not call to reschedule the appointment. On May 29, 2009, department mailed the claimant a Notice of Case Action telling that her FAP benefits are closed as of June 1, 2009. (Department's Exhibit 7). Claimant requested a hearing on June 4, 2009.

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).

A redetermination is a periodic, thorough reevaluation of all eligibility factors to determine whether the group continues to be eligible for programs benefits. A complete redetermination is required at least every 12 months for FAP. FAP benefits stop at the end of the benefit month unless a redetermination is completed and a new benefit period is entered. PAM 210.

In claimant's case, her FAP case was due for a review in May, 2009 as her FAP certification was expiring at the end of this month. Departmental policy requires that the

department send the client a new application and notification of interview date, place and time in the month prior to the redetermination month, but no later than two workdays before the end of that prior month. PAM 210. Department mailed these materials to the claimant on April 20, 2009, and therefore well within the time frame required by policy. Claimant did not show for the scheduled interview, and while she claims she tried to call her caseworker she is unable to state what period of time such calls were made. Claimant also cannot remember why she did not attend the interview.

When the claimant did not appear for the interview department mailed her the Notice of Missed Interview on May 1, 2009 telling her she must call to schedule this interview before May 31, 2009. Claimant states she did not receive this notice because her children take the mail and set in anywhere in the house. As the department did mail claimant's notice to her correct address and cannot be held responsible for what occurs to claimant's mail once it reaches her house, this is not a valid excuse for the claimant not calling to schedule the interview.

Departmental policy further states that the 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. Claimant did lose her right to uninterrupted benefits due to her failure to attend the interview and call to reschedule such interview, and also due to her failure to file the FAP redetermination by the timely filing date. Claimant testified that she was confused about how to complete the redetermination materials sent to her, however she would have received assistance completing these materials if she kept her interview of May 1, 2009, or if she called to reschedule this interview.

Hearing testimony indicates that the claimant has re-applied for FAP benefits on June 11, 2009. If claimant is found to be eligible for FAP, her benefits will start on this date.

Claimant is not entitled to uninterrupted FAP benefits (i.e. starting June 1, 2009), due to reasons stated above.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly terminated claimant's FAP benefits effective June 1, 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: July 22, 2009

Date Mailed: July 21, 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.

GFH 

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