

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: 2010-13580

Issue No: 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 1, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted on February 1, 2010. The Claimant appeared and testified. H.J. Jones, FIM and Miguel Capela, Assistant Payment Worker appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's Food Assistance ("FAP") benefit increase.

FINDINGS OF FACT

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

1. The Claimant was an active FAP recipient since 2003.
2. Claimant's case was up for redetermination in November, 2009.
3. The Department mailed Claimant a redetermination application on 10/14/09.

4. Claimant testified that she mailed back the redetermination application shortly after receiving it.
5. Claimant was then scheduled for an in-person meeting on 11/3/09. On the date of the meeting, The Department indicated that it had not yet received Claimant's redetermination application.
6. Claimant testified that a supervisor told her that the Department had received Claimant's redetermination application that Claimant previously mailed.
7. Claimant remailed the redetermination application and it was received and date stamped by the Department on November 6, 2009.
8. The FAP redetermination was effected on 11/12/09 and Claimant's benefits increased from \$27.00 per month to \$168.00 per month effective December, 2009. (Exhibit 1).
9. The Claimant filed a request for a hearing on December 15, 2009.
10. Claimant is not contesting the current amount of benefits only that the increase should have been effective 11/1/09.

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et. seq.* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Reference Tables ("RFT").

Benefits will stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. If the client does not complete the redetermination process, the benefit period is allowed to expire. The redetermination process begins when the client files a DHS-1171, Assistance Application, DHS-1010, Redetermination, DHS-1171, Filing Form, or DHS-2063B, Food Assistance Benefits Redetermination Filing Record. BAM 210, p. 2. The Department is required to conduct an in-person interview at redetermination before determining ongoing eligibility. BAM 210, p. 4.

Bridges generates a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due. This allows time to process the redetermination before the end of the redetermination month. The FAP redetermination must be completed by the end of the current benefit period so that the client can receive uninterrupted benefits by the normal issuance date. BAM 210, p. 12. In order to receive uninterrupted benefits, (benefits available on their scheduled issuance date) the client must file either a DHS-1010, Redetermination, DHS-1171, Assistance Application, or a DHS-2063B, Continuing Food Assistance Benefits, by the 15th of the redetermination month. BAM 210, p. 9.

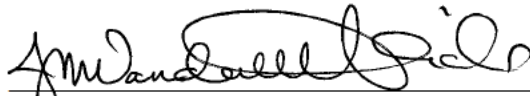
In this case, the redetermination packet was mailed on 10/14/09 and the in-person interview was set at that time for 11/3/09. This Administrative Law Judge finds it credible that Claimant submitted a completed redetermination packet prior to the one date stamped 11/6/09. However, Claimant did not suffer any interruption of benefits as a result of the 11/6/09 redetermination application being processed. Furthermore, there was no allegation that the Department sent out the redetermination packet untimely. Nor was there any allegation that Claimant reported a change in income or shelter obligation prior to filing the redetermination application. Since the Department is required to conduct an in-person interview before

determining ongoing eligibility, the redetermination application would not have been processed until after the November 3, 2009 interview with the change in benefits effective in December.

Accordingly, based upon the foregoing facts and relevant law, it is found that the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly redetermined and processed the Claimant's FAP increase effective 12/1/09. The Department's decision is, therefore, AFFIRMED.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 02/22/10

Date Mailed: 02/23/10

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.

JV/dj

cc:

