

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: 2010-1775

Issue No: 3003

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

January 7, 2010

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 hearing was held on January 7, 2010. Claimant appeared and testified.

ISSUE

Did the Department properly calculate Food Assistance Program benefits?

FINDINGS OF FACT

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

1. On August 3, 2009, Claimant applied for FAP and an expedited FAP case was opened.
2. On September 3, 2009, verifications previously requested were due.
3. On September 8, 2009, the Claimant had failed to comply with all of the requested verifications and her FAP case was closed as of September 1, 2009.

4. On September 11, 2009, the Claimant came back to the local office and re-applied for FAP benefits.
5. The Department was able to open up a FAP case starting in October 2009 for the Claimant but BRIDGES would not allow benefits for the month of September.
6. On September 24, 2009, Claimant requested a hearing.

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) 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).

In the present case, Claimant disputes the Department's failure to open FAP benefits and provide a pro-ration of benefits for the month of September. The Claimant acknowledged she had failed to completely comply with the requested verifications for her August 2009 application. The Claimant is not disputing the closure of FAP benefits but the failure of the Department to grant FAP benefits for the month of her new application dated September 10, 2009. At hearing, the Department stated BRIDGES would not allow them to open benefits until October 1, 2009. The BRIDGES system found the Claimant ineligible for benefits for the entire month of September due to closure of her case on September 1, 2009 for failure to return verifications. The Department was unable to cite a policy that supports BRIDGES determination of ineligibility.

Relevant policy can be found at:

BAM 117, p. 3

Prorate benefits for the month of application, beginning with the date of application, when the group is eligible for the application month as for other FAP program groups.

BAM 115, p. 4

All Programs

The following applies when you deny an application **or** terminate eligibility before the month of a scheduled redetermination or end date:

The application on file remains valid through the last day of the month **after** the month of the denial or termination. To reapply during this time, the client/AR must do all of the following:

Update the information on the existing application.

Initial and date each page next to the page number to show that it was reviewed.

Re-sign and re-date the application on the signature page.

If eligibility exists, the updated application is valid until the originally scheduled redetermination or end date.

See BAM 120 about sending an application to MICild for a MICild determination.

Reminder: An application *cannot* be updated or re-signed outside the local office except as part of a home call.

REINSTATEMENT

All Programs

A new application is **not** required to reinstate eligibility.

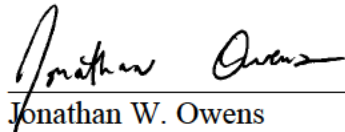
There is no Department policy or law that would bar the consideration of benefits for the Claimant for the month of September. In fact, the policy indicates the Claimant need not complete a new application, as she did in this case, but simply update and initial the pages since she was, in fact, complying with the verification requests and could actually have the case reinstated. In either instance under a reinstatement or new application, the Claimant cannot be barred benefits at application for FAP based upon a previous denied application. The Claimant

would, at a minimum, be eligible for a pro-ration of benefits from the date of her new application September 10, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was not acting in compliance with Department policy.

Accordingly, the Department's decision is REVERSED and the Department is ORDERED to re-determine Claimant's FAP benefits for the month of September 2009 and supplement the Claimant for any loss in FAP benefits.



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/23/10

Date Mailed: 03/24/10

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.

JWO/dj

cc:

