

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 21580
Issue No: 3022, 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 24, 2010
Wayne County DHS (19)

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 June 24, 2010 from Detroit, Michigan. The Claimant appeared and testified. [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Food Assistance Program ("FAP") and Adult Medical Program ("AMP") benefits effective 1/1/10?

FINDINGS OF FACT

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

1. The Claimant was an active FAP and AMP recipient who was up for redetermination.
2. On 11/16/09, the Department mailed Claimant a redetermination packet along with a notice of telephone interview scheduled for 12/1/09.

3. Claimant did not turn in the redetermination packet and, therefore, the 12/1/09 telephone interview did not occur.
4. On 12/1/09, the Department mailed Claimant Notice of Missed Interview with instructions to reschedule the interview before 12/30/09.
5. Effective January, 2010, the Department closed Claimant's FAP and AMP cases for failure to complete redetermination. (Exhibit 2)
6. Claimant testified that the mail was properly sent to the address on file with the Department but that he never received the mail because it was withheld by his (then) ex girlfriend.
7. The Department received Claimant's hearing request protesting the closure of FAP benefits on January 11, 2010.

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.

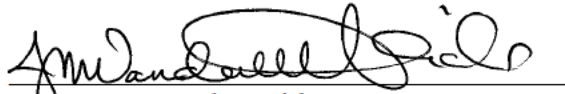
In this case, Claimant testified that he had a falling out with his girlfriend and moved from the address on file with the Department in November or December of 2009. The Defendant also stated that he never filed an address change with the Department because he did not have an address to submit. Meanwhile, the Claimant's ex girlfriend withheld all his mail. Claimant said that she finally returned all his mail because they had gotten back together. The Department sent notice to the only address it had on file for Claimant and thereby fulfilled its obligation. If the Claimant was not receiving mail at his former address, Claimant had an obligation to submit another address to the Department where he could be reached. The Administrative Law Judge does not find that Claimant had good cause for not participating in the redetermination process.

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 terminated the Claimant's FAP and AMP benefits effective 1/1/10.

Accordingly, the Department's FAP and AMP closure is AFFIRMED.



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

Date Signed: 07/01/2010

Date Mailed: 07/01/2010

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/cjp

cc:

