

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg. No.: 2010-28032

Issue No.: 3022

Case No.: ██████████

Load No.: ██████████

Hearing Date:

April 15, 2010

Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 from Detroit, Michigan on April 15, 2010. Claimant's father appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), ██████████, Specialist, appeared and testified.

ISSUE

Whether Claimant's son's Food Assistance Program (FAP) benefits properly closed in 12/2009.

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's son was an ongoing FAP recipient.
2. Claimant's son received employment income.
3. DHS mailed Claimant's son a Semi-Annual Contact Report (DHS-1046) on 11/03/09.

4. DHS mailed Claimant's son a Notice of Potential Food Assistance Closure (DHS-1046-A) on 12/10/09.
5. Claimant's FAP benefits were scheduled to close on 12/31/09 unless the DHS-1046 and verifications were returned.
6. Claimant failed to return the DHS-1046 and requested verifications and FAP benefits expired on 12/31/09 due to failure to submit documents for redetermination..
7. Claimant submitted a hearing request on 3/19/10 regarding closure of FAP benefits.

CONCLUSIONS OF LAW

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

BAM 210 covers redeterminations. Regarding FAP benefits, it reads, "Benefits 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, allow the benefit period to expire." *Id* at 2. Redetermination for FAP groups with countable earnings and a 12-month benefit period requires a completed DHS-1046, Semi-Annual Contact Report, and verifications from the client or the client's authorized representative. *Id* at 6.

In the present case, Claimant had countable earnings (employment) so a DHS-1046 was an appropriate requirement. Claimant's father admitted that the DHS-1046 and verifications were never returned.

Claimant's father testified that the DHS-1046 and DHS-1046-A were received after the FAP benefits closed. Claimant's father's testimony was not sufficiently persuasive to reinstate FAP benefits. First, the DHS-1046 and DHS-1046-A are computer generated forms mailed by the DHS computer system, Bridges. Though human error is always possible, it is less likely that there was a system error. DHS confirmed Claimant's address as the correct mailing address so there is little reason to believe that the forms were not mailed.

Further, Claimant's father did not have first hand knowledge of whether the forms were mailed because he was not the recipient of the forms. Thus, he lacked the foundation to testify whether such forms were received by Claimant or not. It is found that DHS mailed all necessary documents to recertify Claimant's FAP benefits and Claimant failed to return the documents.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly allowed Claimant's FAP benefits to expire on 12/31/09.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 4/21/2010

Date Mailed: 4/21/2010

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.

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