

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.: 201029692

Issue No.: 3022

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

May 3, 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 May 3, 2010. The Claimant appeared and testified. [REDACTED] FIM and [REDACTED] ES 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 3/31/10?

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 and AMP recipient.
2. On 2/9/10, the Department mailed Claimant a redetermination application along with a notice of telephone interview scheduled for 3/1/10. (Exhibit 1, pp. 3-7).

3. Claimant missed the 3/1/10 telephone interview.
4. On 3/1/10, the Department mailed Claimant Notice of Missed Interview with instructions to reschedule the interview before 3/31/10. (Exhibit 1, p. 2).
5. Claimant testified that he had various things occurring in the month of March, including a hospitalization.
6. Claimant testified that he telephoned the Department numerous times on 3/29/10 and was unable to reach anyone.
7. Claimant testified that on 3/30/10 he personally went to the local district office (Medbury) where he had previously been only to find it abandoned.
8. The Claimant's FAP and AMP benefits were closed effective 3/31/10.
9. Claimant appeared at the new Detroit Conner office on April 5, 2010 and a new application was filed.
10. The Claimant filed a request for a hearing on April 1, 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"), formerly known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et. seq.* and MAC R 400.3001-3015. The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115) (a) (1) of the Social Security Act, and is administered by the Department of Human Services (formerly known as the Family Independence Agency) pursuant to MCL 400.10, *et seq.* 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. A telephone interview is not necessary as a condition of eligibility for AMP benefits. BAM 210, p. 4.

In this case, Claimant testified did not turn in any redetermination forms. Upon receiving notice of a missed interview, however, Claimant attempted to contact the Department and reschedule before the end of the FAP certification period. Unfortunately, the local Medbury office had combined and moved with another local office. This caused difficulty for Claimant reaching the Department by telephone or in person within the specified time period. This


Administrative Law Judge finds that Claimant made reasonable attempts to contact the Department in person and by telephone prior to the expiration of his certification period. Accordingly, Claimant's AMP and FAP benefits should not have closed, especially AMP as no interview is required at redetermination. Accordingly, based upon the foregoing facts and relevant law, it is found that the Department's determination is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly closed the Claimant's FAP and AMP benefits effective 3/31/10.

Accordingly it is Ordered:

1. The Department's 3/31/10 FAP and AMP closures are REVERSED.
2. The Department shall reopen the Claimant's FAP and AMP cases back to the date of closure, 3/31/10, delete any related negative action and supplement the Claimant for any lost benefits he was otherwise entitled to receive.

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

Date Signed: May 13, 2010

Date Mailed: May 13, 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 90 days of the filing of the original request.

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The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

AM/hw

cc:

