

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-47056
Issue No.: 3022
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 28, 2010
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 Thursday, October 28, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly terminated the Claimant's Food Assistance ("FAP") benefits effective April 30, 2010?

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 a FAP and MA recipient.
2. On March 16, 2010, a redetermination packet was sent to the Claimant notifying her of the April 5, 2010 telephone interview. (Exhibit 1)
3. The Claimant mailed the requested forms to the Department on or about March 29, 2010.
4. The Department did not receive the requested information thus did not conduct the telephone interview.
5. The Department mailed the Claimant a Notice of Missed Interview instructing the Claimant to submit the requested information prior to the

expiration of the benefit period (April 30, 2010) so an interview could be scheduled.

6. The Claimant testified that she dropped the requested information off on Friday, April 30, 2010.
7. The Claimant's FAP benefits terminated with the benefit period on April 30, 2010. (Exhibit 3)
8. The Department date-stamped the documents as received on Monday, May 3, 2010.
9. The Claimant's Request for Hearing states that the "drop off occurred [sic] on Monday..."

CONCLUSIONS OF LAW

As a preliminary matter, the Claimant protested both the FAP termination as well as a proposed Medical Assistance ("MA") closure. The Department received the Claimant's redetermination information on May 3rd so the proposed MA negative action was deleted and the Claimant did not have an interruption of MA benefits. During the hearing, the Claimant stated that she is not protesting her MA benefits.

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 ("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. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM") and the Bridges Reference Manual ("BRM").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130 If the client cannot provide the verification for MA purposes, despite a reasonable effort, the time limit should be extended up to three times. *Id.* For FAP purposes, at redetermination, clients have until the last day of the redetermination month or 10 days, whichever is later, to provide the verification. *Id.* BAM 210 Verifications are considered timely if received by the due date. *Id.* The Department periodically re-evaluates cases to ensure continued eligibility for benefits. BAM 210 For FAP purposes, a complete

redetermination is required at least every 12 months. BAM 210 FAP benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is entered. BAM 210 If the client does not submit a redetermination request, the benefit period expires. BAM 210 A negative action notice is sent when the client refuses to provide the requested verifications or the time period has lapsed for the request and the client has not made a reasonable attempt to provide it. BAM 130

In this case, the Claimant testified that she had mailed the requested redetermination packet on or about March 29, 2010. The information was not received by the Department thus the telephone hearing was not held. The Department sent the Claimant a Notice of Missed Interview which instructed the Claimant to submit the request verifications prior to the benefit closure period (April 30, 2010) and then another interview would be scheduled. During the hearing, the Claimant acknowledged that due to the amount of time that had lapsed (approximately 6 months) that she wasn't exactly sure what FAP benefits were received. The Department presented a summary which showed that the FAP benefits were terminated April 30th and that the Claimant received a prorated May benefit based on the new application date of May 28, 2010. Subsequently, the Claimant received monthly FAP benefits. The Claimant further testified that she submitted the requested verifications late afternoon on Friday, April 30, 2010. In reviewing the Claimant's request for hearing, which was submitted on May 28, 2010, the Claimant states that she "attempted to drop info off my 83 y/o mother fell (on a Friday) Drop occurred [sic] on Monday – case worker called stating I had to start application over again..." It is found that the Request for Hearing, submitted during the time period at issue, more accurately reflects what transpired. Although the Claimant mailed the information to the Department which was not received, the Department notified the Claimant via the Notice of Missed Interview (April 5th) that it had not received the information and gave the Claimant until April 30th to submit the information. The information was not received until May 3, 2010 after the benefits had terminated. In light of the foregoing, it is found that the Department established it acted in accordance with department policy when it terminated the Claimant's FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department established it acted in accordance with department policy when it terminated the Claimant's FAP benefits effective April 30, 2010.

Accordingly, it is ORDERED:

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The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/03/2010

Date Mailed: 11/03/2010

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 of the rehearing decision.

CMM/jlg

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