

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

IN THE MATTER OF:



Reg. No: 201055211
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 21, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 October 21, 2010. Claimant appeared from the Kent County DHS office and Department representatives from both Allegan County and Kent County to testify.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case due to failure to provide required documents and verifications?

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 was an ongoing recipient of Food Assistance Program (FAP) benefits. Claimant's FAP case was due for re-determination by July 31, 2010.
- (2) During the middle of June Claimant moved to a different county.
- (3) On June 15, 2010 a Redetermination Form (DHS-1010) was mailed to Claimant's address of record. The form scheduled a telephone interview for July 7, 2010 and stated that Claimant was required to submit all required documents and proofs before the telephone interview. The form was forwarded to Claimant.

- (4) On July 6, 2010 Claimant called her caseworker in the former county and left a telephone message.
- (5) On July 7, 2010, at 7:29 am Claimant called her caseworker in the former county and left a phone message. On a DHS-223 form the caseworker recorded that Claimant stated: she had moved and gave the new address and a telephone number; she was living with her fiancé and they eat together; she was working 2 days per week at \$10 per hour; and that she would send in the 1010. The caseworker also wrote “will process redet and then transfer”.
- (6) On July 7, 2010 at 9:14 am Claimant called her caseworker in the former county and left another phone message. On a DHS-223 form the caseworker recorded that Claimant stated she had moved and requested a call back.
- (7) On July 30, 2010 the BRIDGES computer program automatically closed Claimant’s FAP case because no re-determination packet had been logged in. No Notice of Case Action (DHS-1605) was generated. (BAM 210 page 8 of 14)
- (8) On August 2, 2010 the former county received a request to transfer Claimant’s case to Kent County. Claimant’s new address was put into the BRIDGES computer system. Claimant was sent a re-assignment letter, a Shelter Verification (DHS Form 3688), and a Notice of Case Action (DHS-1605).
- (9) On September 1, 2010 Claimant submitted a request for hearing about her Food Assistance Program (FAP) benefits.

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 or department) 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 Program Reference Manual (PRM).

Department policy provides the following guidance for caseworkers. The Department's policies are available on the internet through the Department's website.

BAM 210 REDETERMINATION/EX PARTE REVIEW

DEPARTMENT POLICY

All Types of Assistance (TOA)

The Department of Human Services must periodically redetermine an individual's eligibility for active TOA. The redetermination process includes thorough review of all eligibility factors.

Redetermination, semi-annual and mid-certification forms are often used to redetermine eligibility of active TOA. However, the client **must** complete a DHS-1171, Assistance Application, to request a TOA that is not active at the time of redetermination.

Local offices must assist clients who need and request help to complete applications, forms and obtain verifications; see BAM 130, Obtaining Verification.

REDETERMINATION CYCLE

All TOA

A complete redetermination is required at least every 12 months.

Bridges sets the redetermination date according to **benefit periods**, see **eligibility decisions** in BAM 115.

FAP Only

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. 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.

REDETERMINATION PACKET RECEIVED

All TOA

A redetermination/review packet is considered complete when all of the sections of the redetermination form including the signature section are completed.

When you receive a **complete** redetermination/review form, record the receipt in Bridges as soon as administratively possible. Under redetermination/packet received do all of the following:

- Select the form type.
- Enter the date received.

- Click the submit button.
- Record changes in circumstances.
- Enter verifications received.
- Run EDBC.

It is a best practice to accomplish these steps as early in the month as possible, to increase the chances of completing the redetermination timely.

**Failure to Record Receipt of Redetermination Packet
FIP, SDA, and CDC**

If the redetermination packet is not logged in on the packet received screen by the negative action cut-off date of the redetermination month, Bridges generates a DHS-1605, Notice of Case Action, and automatically closes the EDG.

FAP only

If the redetermination packet is not logged in on the Packet Received screen by the last working day of the redetermination month, Bridges automatically closes the EDG. A DHS-1605 is not generated.

During the hearing the Kent County representative had Claimant's case file and testified that there was no Redetermination Form (DHS-1010) for Food Assistance Program (FAP) in the file. Claimant testified that there was initially some confusion about where she should send the Redetermination Form (DHS-1010) but then her Allegan County caseworker told her to send it to Allegan County first. Claimant also testified that she sent paperwork to Kent County. Claimant's case file was held at Allegan County in anticipation of the Redetermination Form (DHS-1010) being sent in. Claimant's FAP benefit period ended July 31, 2010. On August 2, 2010, the first work day after Claimant's FAP benefit period ended July 31, 2010, the FAP case was automatically closed by the BRIDGES computer program because receipt of the redetermination package was not recorded. Claimant's new address was entered in the computer on August 2, 2010 which initiated transfer of the case to Kent County.

The evidence shows that Claimant had notice of where she needed to send the documents and verifications and did not submit them before the end of her FAP benefit period. Closure of her FAP case was in accordance with Department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Food Assistance Program (FAP) case due to failure to provide required documents and verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 28, 2010

Date Mailed: October 29, 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.

GFH/vc

cc:

