

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: 2010-25736
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 6, 2010
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 telephone hearing was conducted from Lansing, Michigan on April 6, 2010.

ISSUE

Whether the Department properly terminated Claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

- (1) Claimant was a FAP recipient.
- (2) On December 15, 2009, the Department mailed Claimant a Redetermination Telephone Interview with an interview date of January 8, 2010. (Exhibit 1)

(3) Claimant contacted her caseworker on the day of and/or in the few days or so prior to her interview date to tell him that she needed more time to gather the necessary information. She was told to get the information in when she could.

(4) On January 8, 2010, the Department mailed Claimant a Notice of Missed Interview which states – “You recently missed your scheduled interview to apply for/redetermine Food Assistance benefits. It is now your responsibility to reschedule the interview before 01/31/10 or your application/redetermination will be denied . . .” (Exhibit 2)

(7) Claimant received the Notice of Missed Interview, but did not act upon it because she had just spoken with her caseworker who had told her to get the information in when she could and no specific timeline was given to do so and/or reschedule the interview.

(8) On February 26, 2010, the Department received Claimant’s information, but her FAP case had closed on January 31, 2010. Claimant reapplied for assistance on March 5, 2010.

(9) On March 5, 2010, the Department received the Claimant’s hearing request.

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. Departmental policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM). 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, the Department should allow the benefit period to expire. BAM 210

In the instant case, the Redetermination Interview Letter and Notice of Missed Interview make it abundantly clear that failure to return the Redetermination and all required proofs and participate in the interview could result in benefits being reduced or cancelled. However, there is no dispute that the caseworker told Claimant to get the documentation in when she could and did not reschedule the interview. Perhaps, Claimant should have followed up on the Notice of Missed Interview to make sure that their conversation was controlling as opposed to the form letter, but I do not think it unreasonable to assume it did given the conversation and its proximity to the letter going out.

With the above said, based on the testimony and documentation offered at hearing, I do not find that the Department established that it acted in accordance with policy in terminating Claimant's FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in terminating Claimant's FAP benefits.

Accordingly, the Department's FAP eligibility determination is REVERSED, it is SO ORDERED. The Department shall:

- (1) Process Claimant's Redetermination and/or new application for FAP benefits retroactive to the closure date.
- (2) Issue Claimant supplemental benefits he is entitled to, if any.
- (3) Notify Claimant in writing of the Department's revised determination.

(4) Claimant retains the right to request a hearing if he would like to contest the Department's revised determination.

/s/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 8, 2010

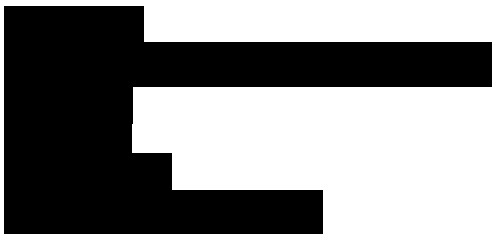
Date Mailed: April 9, 2010

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.

SMB/vmc

cc:

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