

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.: 2010-26444
Issue No.: 3022
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 12, 2010
Wayne County DHS (58)

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 12, 2010. Claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly allowed Claimant's FAP benefits to expire on 1/31/10?

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 FAP recipient.
2. Claimant's FAP benefit period was scheduled to end on 1/31/10.
3. DHS timely mailed Claimant a Redetermination (DHS-1010).

4. Claimant failed to return the DHS-1010 or any other documents regarding recertification of FAP benefits.
5. Claimant's FAP benefits expired on 1/31/10 due to Claimant's failure to submit her redetermination documents and verifications.
6. Claimant submitted a hearing request on 3/8/10 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).

BEM 210 outlines DHS policy for redeterminations. The relevant policy 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. 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.

Claimant's FAP benefit period was scheduled to end 1/31/10. Claimant failed to submit any of the above listed documents for her recertification. In response, DHS appropriately allowed Claimant's FAP benefits to expire.

Claimant contends that in 1/2010 she made several calls to her worker regarding recertification of FAP benefits and that had Claimant received a return call, Claimant's FAP benefits might not have expired. By late 1/2010, Claimant should have received a DHS-1010 advising that her FAP benefits were due for recertification. Claimant would have also received a Verification Checklist requesting the documents needed for FAP benefit recertification, a date for an interview and a notice that her interview was missed. Claimant should have been fully aware that she needed to submit documents to continue her FAP benefits. Any failure by DHS to return Claimant's calls did not impact Claimant's failure to submit necessary documents. It is found that DHS properly failed to allow Claimant's FAP benefit period to expire.

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 did not redetermine Claimant's FAP benefits.



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

Date Signed: 4/20/2010

Date Mailed: 4/20/2010

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.