

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: 2010-2844
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 18, 2009
St. Joseph County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 held on November 18, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly terminate claimant's Food Assistance Program (FAP) benefits in July, 2009?

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 a FAP recipient when her case came due for redetermination.
2. Claimant was mailed an appointment notice for July 9, 2009, but did not attend the interview. A notice of missed interview was sent to the claimant on July 9, 2009, according to the Bridges computer printout.

3. Claimant's FAP benefits terminated at the end of July, 2009 for her alleged failure to attend the FAP interview and provide a completed redetermination form. Claimant however, did provide 7 documents received by the department on July 29, 2009 and date-stamped on this date. These documents are July rent receipt, bank account statement, medical bill payment, Consumers Energy bill, Renewal of Apartment Lease, Verizon bill, and proof of her SSI and RSDI benefits.

4. Claimant requested a hearing on October 9, 2009, and stated in her hearing request that she called her caseworker in July, 2009 and was told he had everything needed to complete her redetermination, and that she had called him numerous times after that as she did not receive her FAP benefits in August, 2009, but he did not return her calls. Claimant stated she had called no less than 20 times in August, September and October, 2009, before she submitted her 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. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Departmental policy defines redetermination as a periodic, thorough reevaluation of all eligibility factors to determine whether the group continues to be eligible for program benefits. FAP benefits stop at the end of the benefit period unless a redetermination is completed and a

new benefit period is entered. If the client files the redetermination form, the redetermination process begins. If the client does not submit a redetermination request, the benefit period is allowed to expire. BAM 210.

Department's representative at this hearing is a manager, and claimant's caseworker that handled her FAP case no longer works in St. Joseph county office, and is therefore unavailable to testify. Claimant states that she did receive the appointment letter for July 9, 2009, but called her caseworker as she had a doctor's appointment on this date. Claimant further states that the caseworker told her that an in-person interview was not needed, as the telephone interview was sufficient. This statement is in accordance with departmental policy. Claimant also states that she then mailed the redetermination form and all of the requested information to the worker. The redetermination form cannot be located in claimant's case record. However, a total of 7 documents (see Statement of Fact #3) required for redetermination was received by the department on July 29, 2009. It appears peculiar that the claimant would provide 7 documents but not the redetermination form itself. This Administrative Law Judge finds that more logical explanation is that the claimant indeed submitted her redetermination form with the 7 documents, but that such form was somehow misplaced to begin with, or perhaps placed in another location for the worker to process the redetermination and was then lost. Claimant should therefore be allowed to complete a new redetermination form and her FAP benefits reinstated to August, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly terminated claimant's FAP benefits in July, 2009.

Accordingly, department's action is REVERSED. Department shall:

1. Obtain a redetermination form from the claimant, if this was not already done.
2. Process claimant's FAP case and issue her any FAP benefits she is eligible for but did not receive, retroactive to August, 2009.
3. Notify the claimant in writing of this determination.

SO ORDERED.

/s/

Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 23, 2009

Date Mailed: November 24, 2009

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.

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