

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: 2010-32665

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 25, 2010

Lapeer 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 May 25, 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 19 and December 31, 2009, the Office of Child Support (OCS) sent Claimant a Noncooperation Notice. (Exhibits 6-7)

(3) On February 9, 2010, the OCS sent Claimant a Cooperation Notice.

(Exhibits 5, 8)

(4) On February 10, 2010, the Department sent Claimant a Notice of Case Action informing her that her FAP benefits would terminate effective March 1, 2010 because “Gross” income exceeds limit. Case not eligible. You or a group member failed to cooperate with child support requirements. Call your specialist if the noncooperating person wishes to cooperate or has good cause not to cooperate”. (Exhibit A)

(5) The Department’s position at hearing was that it received and entered the Cooperation Notice into BRIDGES and the result was the February 10th Notice of Case Action.

(6) On March 9, 2010, the Department received the Claimant’s hearing request in regard to the February 10, 2010 Notice of Case Action. It states: I request a hearing for “food stamps, Medicaid”. (Exhibit B)

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).

In the instant case, the Department’s testimony was that it received the February 9, 2009 Cooperation Notice and processed it on February 10th. The result was BRIDGES issuing a Notice of Case Action closing her FAP case. The Department does not know why this happened and

neither does the undersigned. With that 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.

Claimant's hearing request was also in regard to MA benefits. Claimant's MA benefits were not closed by the February 10th Notice of Case Action. If Claimant's MA case was closed as a result of this same issue in a separate Notice of Case Action, my ruling is the same - I do not find that the Department established that it acted in accordance with policy in terminating Claimant's MA benefits.

Finally, there were documents in the file that were numbered and offered by the Department including a March 22nd email, a March 22nd Noncooperation Notice and a March 22nd Notice of Case Action which terminated Claimant's MA benefits as a result of an alleged noncooperation by [REDACTED]. Claimant filed her hearing request on March 6th in regard to a February 10th Notice of Case Action. This Hearing Decision does not pertain to the Department's March 22nd Notice of Case Action. If Claimant does not agree with that decision, she can file a hearing request by the applicable deadline and a hearing will be scheduled on that issue.

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) Reinstate Claimant's FAP (and MA, if applicable) benefits retroactive to the closure date.

(2) Issue Claimant supplemental benefits she is entitled to, if any.

(3) Notify Claimant in writing of the Department's revised determination(s).

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

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

Date Signed: June 2, 2010

Date Mailed: June 2, 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/vc

cc:

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