

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.: 2010-33393  
Issue No.: 3000  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
June 16, 2010  
Wayne County DHS (31)

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 Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on June 16, 2010. [REDACTED], Claimant's mother, appeared and testified on Claimant's behalf. On behalf of Department of Human Services (DHS), [REDACTED], Manager, and [REDACTED], Specialist, appeared and testified.

ISSUE

Whether Claimant timely submitted a hearing request on 4/29/10 stemming from a DHS finding from 10/2009 denying Claimant's FAP benefit redetermination.

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 had a FAP benefits case that ended approximately 7/31/09 due to a failure by Claimant to complete the redetermination process.

3. Claimant's mother sought to add Claimant as a FAP group member on her FAP benefits; her FAP benefits were scheduled to end on 10/31/09.
4. DHS denied Claimant's mother's FAP redetermination in 10/2009 due to excess income.
5. Claimant's mother submitted a hearing request on 4/29/10 regarding the DHS denial of the 10/31/09 FAP benefit redetermination.

#### 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).

BAM 600 covers the DHS policy for administrative hearings including deadlines for clients to file hearing requests. Clients have 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 at 4.

In the present case, the DHS action denying Claimant's mother's redetermination occurred no later than the end of the benefit period, 10/31/2009. The notice of the denial would also have been mailed no later than 10/31/2009. Claimant's mother waited approximately 180 days to file a request for hearing concerning the denial of FAP benefits.

If the DHS denial of Claimant's own FAP benefits is considered the DHS action in dispute, then the period between the notice and hearing request is approximately 270 days. Either way, it is found that Claimant did not timely appeal the 10/2009 FAP benefit redetermination

denial by failing to submit a hearing request within 90 days; thus, the hearing request is properly dismissed.

DECISION AND ORDER

The hearing request is DISMISSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant failed to timely appeal the FAP benefit redetermination denial within 90 days.



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

Date Signed: 6/16/2010

Date Mailed: 6/16/2010

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.

CG/jlg

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