

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201130747

Issue No: 3008

Case No: [REDACTED]

Hearing Date:

May 26, 2011

Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on April 18, 2011. After due notice, a telephone hearing was held on Thursday, May 26, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

FINDINGS OF FACT

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

1. The Claimant was an ongoing Food Assistance Program (FAP) recipient.
2. On January 13, 2011, the Department sent the Claimant a Redetermination form with a due date of February 7, 2011.
3. On February 7, 2011, the Department sent the Claimant a Notice of Missed Interview form.
4. The Department terminated the Claimant's Food Assistance Program (FAP) benefits as of February 28, 2011, for failure to provide information necessary to determine her eligibility to receive benefits.
5. The Department received the Claimant's request for a hearing on April 18, 2011, protesting the termination of her Food Assistance Program (FAP) benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (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 (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

The Department was an ongoing Food Assistance Program (FAP) recipient when the Department sent her a Redetermination form with a due date of February 7, 2011. On February 7, 2011, the Department sent the Claimant a Notice of Missed Interview form. This form instructed the Claimant that it was her duty to reschedule her redetermination interview before the end of the month to prevent an interruption of her benefits. When the Department did not receive the Claimant's completed Redetermination form or her verification documents, it terminated the Claimant's Food Assistance Program (FAP) benefits as of February 28, 2011.

The Claimant argued that she dropped off her Redetermination form in person at the Department's office before the due date.

The Department's representative testified that the Department did not receive the Claimant's redetermination form. The Department's Bridges computer system will automatically send out a Notice of Missed Interview when a Redetermination form is not processed as of the due date.

In this case, there is no record that the Claimant contacted the Department to request an extension to the due date, or to question why her Redetermination form was not processed before the due date. The Notice of Missed interview should have been sufficient warning to the Claimant to contact the Department. If the Claimant did turn in her Redetermination form, she did not notify the Department of this until submitting a hearing request.

Based on the evidence and testimony available during the hearing, the Department has established that it properly terminated the Claimant's Food Assistance Program (FAP) benefits for failure to provide information necessary to determine her eligibility to receive benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Food Assistance Program (FAP) eligibility.

The Department's Food Assistance Program (FAP) eligibility determination is AFFIRMED. It is SO ORDERED.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 31, 2011

Date Mailed: June 1, 2011

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.

KS/tg

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