

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-11344
Issue No.: 1021, 3019
Case No.: [REDACTED]
Hearing Date: March 17, 2011
DHS County: Wayne (82-17)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 hearing was held on March 17, 2010. Claimant appeared and testified.

ISSUES

1. Did the Department of Human Services (Department) properly close Claimant's Food Assistance Program (FAP) case?
2. Did Claimant properly receive Family Independence Program (FIP) benefits?

FINDINGS OF FACT

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

1. On September 1, 2010, semi-annual contact form was sent to Claimant with a return date of October 1, 2010.
2. On October 1, 2010, Claimant had not returned the semi-annual contact form.
3. On October 10, 2010, the Department sent a notice of potential FAP closure to the Claimant.
4. On October 31, 2010, the Department closed Claimant's FAP case.
5. On November 24, 2010, Claimant requested a hearing regarding the closure of her FAP benefits.

6. On November 24, 2010, and December 14, 2010, Claimant requested hearings regarding FAP and FIP benefits.

CONCLUSIONS OF LAW

FIP was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department administers FIP pursuant to MCL 400.10 *et seq.* and MAC R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 *et seq.* and MAC R 400.3001-3015. Department policies are found in BAM, BEM and PRM.

In the present case, Claimant disputes the closure of her FAP case for failure to return her semi-annual contact form. The semi-annual contact form was sent to Claimant on September 1, 2010. Claimant failed to return this form prior to October 1, 2010. On October 10, 2010, a notice of potential FAP closure was sent. Claimant's case closed on October 31, 2010. The Department provided copies of all forms sent to the Claimant's address. None of the mail sent to the Claimant was returned.

Claimant submitted a second hearing request on December 14, 2010, and indicated she was requesting a hearing on her FAP and FIP cases. The Department records showed no negative action taken on Claimant's FIP case during the prior 3 months. At hearing, Claimant wanted to discuss actions taken by the Department on her FIP case after December 14, 2010. Claimant alleged she didn't receive all her FIP benefits for the months of September, October and November 2010. The Department provided copies of FIP benefit print screens indicating benefits were, in fact, issued for each of those months.

The Administrative Law Judge finds the following: the Department correctly closed Claimant's FAP case based upon her failure to complete the semi-annual contact forms. The Department also properly demonstrated they, in fact, had issued all benefits owed Claimant for the months of September, October and November 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was acting in compliance with Department policy.

Accordingly, the Department's decision is UPHELD.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 29, 2011

Date Mailed: March 29, 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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

JWO/pf

cc:

