

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-11956
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: January 26, 2011
Wayne County DHS (35)

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 the claimant's request for a hearing. After due notice, a telephone hearing was held on January 26, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Food Assistance Program (FAP) benefits due to Claimant's alleged failure to submit redetermination documents.

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 benefit recipient.
2. Claimant's FAP benefits were due for redetermination by 12/31/10.
3. Claimant submitted all necessary documents for his FAP benefit redetermination.
4. On 11/12/10, DHS mailed Claimant a Notice of Case Action informing Claimant that his FAP benefits would be terminated due to a failure to submit documents necessary for a redetermination of FAP benefits.
5. On 1/22/10, Claimant requested a hearing disputing the termination of FAP benefits.

6. On 1/25/10, DHS realized that Claimant timely submitted redetermination documents and restored Claimant's FAP benefits.

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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 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 Bridges Reference Manual (BRM).

DHS must periodically redetermine an individual's eligibility for benefit programs. BAM 210 at 1. A complete redetermination is required at least every 12 months. *Id.*

The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. *Id.* at 4. The packet consists of forms and requests for verification that are necessary for DHS to process the redetermination. The forms needed for redetermination may vary though a Redetermination (DHS-1010) is an acceptable review form for all programs.

In the present case, Claimant requested a hearing after he received a notice that his FAP benefits would be terminated due to some unspecified failure concerning the submission of redetermination documents. DHS clarified through testimony that Claimant's redetermination documents were timely submitted but submitted to Claimant's prior DHS office causing confusion by Claimant's current DHS office. DHS concedes that the documents were received by DHS and that Claimant's FAP benefits should not have been terminated.

DHS agreed that Claimant's FAP benefits should be reinstated back to the date of FAP benefit closure. DHS also indicated that Claimant's benefits were reinstated and that he was recently supplemented for the error. Neither the undersigned nor Claimant has verified the benefit reinstatement. As DHS has yet to verify the reinstatement, it is appropriate to reverse the DHS action of termination and to require DHS to verify the reinstatement following receipt of this administrative decision.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS improperly terminated Claimant's redetermination for FAP benefits. It is ordered that DHS reinstate Claimant's FAP

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benefits back to 1/2011 and that Claimant is supplemented for any loss in FAP benefits due to the improper termination. The actions taken by DHS are REVERSED.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 1/31/2011

Date Mailed: 1/31/2011

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.

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