

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

IN THE MATTER OF:

[REDACTED]

[REDACTED]

[REDACTED]

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 held on [REDACTED]. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly allow the claimant's Food Assistance Program (FAP) benefits to expire for failure to return the required verifications?

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 mailed a Redetermination form (DHS-1010) on [REDACTED] (Department Exhibit 10)
2. The department mailed the claimant a Notice of Missed Interview (DHS-254) on [REDACTED] (Department Exhibit 10)
3. The department reprinted and mailed the Redetermination form (DHS-1010) on [REDACTED] (Department Exhibit 9)
4. The department again reprinted and mailed the Redetermination form (DHS-1010) on [REDACTED] (Department Exhibit 9)

5. The department mailed the claimant a Notice of Case Action (DHS-1605) on [REDACTED] informing the claimant that her FAP benefits would expire on [REDACTED] (Department Exhibit 5 – 6)
6. The claimant submitted a hearing request on February 2, 2010.

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. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy states:

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. BAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM, Item 105, p. 8.

The Department of Human Services must periodically redetermine an individual's eligibility for active assistance cases. The redetermination process includes a thorough review of all eligibility factors. Redetermination, semi-annual and mid-certification forms are often used to redetermine eligibility of active cases. However, the client **must** complete a DHS-1171, Assistance Application, to request assistance that is not active at the time of redetermination. BAM 220.

FAP benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is certified. If the client does not complete the redetermination process, allow the benefit period to expire. The redetermination process begins when the client files a DHS-1171, Assistance Application, DHS-1010, Redetermination, DHS-1171, Filing Form, or DHS-2063B, Food Assistance Benefits Redetermination Filing Record. BAM 220.

In this case, the department indicates that the claimant did not return the Redetermination form by the due date, so the claimant's FAP benefit period expired. The claimant testified that she believes she did submit the required form. However, a check of the claimant's case file found no Redetermination form from this time period and no telephone messages requesting assistance in completing the form.

It is noted that the department documentation shows the Redetermination form was printed for the claimant on three separate occasions, which would bolster the department's testimony that the form was not received. Also mailed to the claimant was the Notice of Missed Interview (DHS-254), which is mailed to a client if they do not submit the Redetermination form and participate in the required interview. This, also, would show the claimant had not submitted the Redetermination form.

Thus, this Administrative Law Judge finds that the evidence presented shows that the claimant did not submit the required Redetermination form required to keep her FAP benefit period from expiring. It is noted that the claimant did reapply for FAP benefits in March, 2009 and did again receive the assistance.

While the department included Medical Assistance (MA) in this dispute, the client testified that her MA had not ended and that this was not a hearing issue that needed to be addressed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly allowed the claimant's Food Assistance Program (FAP) benefits to expire for failure to return the required verifications.

Accordingly, the department's determination is UPHeld. SO ORDERED.

/s/ _____
[Redacted Signature]

Date Signed: _____

Date Mailed: _____

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.

[Redacted]