

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201130163
Issue No: 3008
Case No: [REDACTED]

Hearing Date:
May 24, 2011
Eaton 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 21, 2011. After due notice, a telephone hearing was held on Tuesday, May 24, 2011. The Claimant did not participate in the hearing, but was represented by his Authorized Hearing Representative.

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 8, 2011.
3. On February 8, 2011, the Department sent the Claimant a Notice of Missed Interview.

4. On April 16, 2011, the Department notified the Claimant that it would terminate his Food Assistance Program (FAP) benefits as of March 1, 2011.
5. The Department received the Claimant's request for a hearing on April 21, 2011, protesting the termination of his Food Assistance Program (FAP) benefits. The request was received five days after the Department sent its notice of case action.

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.

A redetermination/review packet is considered complete when all of the sections of the redetermination form including the signature section are completed. If the redetermination packet is by the due date of the redetermination month, Bridges generates a DHS-1605, Notice of Case Action, and automatically closes the benefits. In order to receive uninterrupted benefits, the client must file either a Redetermination (DHS-1010), Assistance Application (DHS-1171), or a Continuing Food Assistance Benefits (DHS-2063B), by the 15th of the redetermination month. BAM 210.

The group loses their right to uninterrupted FAP benefits if they fail to do any of the following:

- File the FAP redetermination by the timely filing date.
- Participate in the scheduled interview.
- Submit verifications timely, provided the requested submittal date is **after** the timely filing date. BAM 210.

In this case, the Claimant was an ongoing Food Assistance Program (FAP) recipient. On January 13, 2011, the Department sent the Claimant a routine Redetermination (DHS-1010) form with a due date of February 8, 2011.

The Claimant attempted to submit his Redetermination form, but the Department did not receive page three of the form. The Claimant made a second attempt to fax the Redetermination form, but again the Department did not receive page three of the form. The Claimant's caseworker attempted to notify the Claimant of the missing page by telephone, and left a message on his answering machine.

On February 8, 2011, the Department had not received a complete Redetermination form, and the Department's computer system automatically sent the Claimant a Notice of Missed Interview form. This form notified the Claimant that it was his responsibility to reschedule his redetermination interview before benefits were cancelled.

On April 16, 2011, the Department notified the Claimant that it would terminate his Food Assistance Program (FAP) benefits for failure to provide information necessary to determine his eligibility to receive benefits.

The Claimant's representative argued that the Claimant had submitted the complete Redetermination form in a timely manner. The Claimant's representative testified that the Claimant was willing to provide the Department with a completed Redetermination form, but that he was not aware that the Department had not received a complete form.

The Claimant failed to establish that the Department received the entire Redetermination form.

The Department has established that it properly terminated the Claimant's Food Assistance Program (FAP) benefits for failure to provide information necessary to determine his 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 25, 2011

Date Mailed: May 26, 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

cc:

