

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-46604
Issue No.: 3013
Case No.: [REDACTED]
Hearing Date: September 1, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Susan Burke

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 September 1, 2011 in Detroit, Michigan. Claimant appeared and testified. Claimant's daughter, [REDACTED] also testified on behalf of Claimant. The Department of Human Services (Department) was represented by [REDACTED]

ISSUE

Did the Department protect Claimant's rights in processing Claimant's report of a missing/ stolen Food Assistance Program (FAP)/Food Stamp card?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of FAP.
2. Claimant's daughter was Claimant's Authorized Representative.
3. On May 1, 2001, the Department issued to Claimant a Food Stamp card (numbers ending [REDACTED]) and mailed it to the Claimant's home address.
4. On April 15, 2002, the Department issued to Claimant a Food Stamp card (numbers ending in [REDACTED] for her daughter/Authorized Representative's use on behalf of Claimant and mailed it to Claimant's home address.

5. Claimant and her daughter/Authorized Representative used only the card ending in [REDACTED]
6. On July 7, 2011, Claimant reported to the Department that her Food Stamp card was missing.
7. Claimant's social security card was with Claimant's Food Stamp card ending in [REDACTED] when the Food Stamp card was lost or stolen.
8. The Department deactivated the Food Stamp card it issued to Claimant with the numbers ending in [REDACTED], but did not deactivate the Food Stamp card ending in [REDACTED]
9. Claimant's Food Stamp card ending in [REDACTED] was used after the July 7, 2011 notification to the Department of the loss of card, preventing Claimant from accessing her July and August Food Stamp funds.
10. On July 18, 2011 and July 20, 2011, the Department had further communications with Claimant and her daughter/Authorized Representative and chose still not to deactivate Claimant's Food Stamp card ending in [REDACTED] and chose not to make further investigation into Claimant's claims.
11. On July 22, 2011, Claimant requested a hearing, protesting the decision of the Department.

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).

BAM 100 instructs the Department to protect clients' rights.

In the present case, the Department clearly did not protect Claimant's rights. Had the Department thoroughly investigated Claimant's claim on July 7, 2011, July 18, 2011 and July 20, 2011, it would have been clear that the Department should have cancelled both Food Stamp cards as associated with Claimant. The Department would have discovered, as it was made clear at the hearing, that Claimant's social security card was lost with

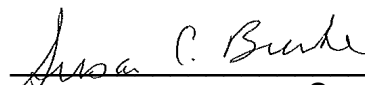
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the Food Stamp card being used, and that Claimant and her daughter/Authorized Representative used only one Food Stamp card on behalf of Claimant prior to the July 7, 2011 notification date. (See Exhibit 4, Recipient Transaction History.) All Food Stamp cards associated with Claimant should have been deactivated as of the date of Claimant's notification to the Department of the loss of card, July 7, 2011. Therefore, the Department's decision to not deactivate all cards associated with Claimant on July 7, 2011 was not correct.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that the Department's decision to not deactivate all of the Food Stamp cards associated with Claimant was not correct, and it is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall:

- 1.) Immediately deactivate the Food Stamp Card associated with Claimant with numbers ending in [REDACTED]
- 2.) Issue to Claimant supplements for full FAP benefits for July 2011 and August 2011.
- 3.) Issue to Claimant a supplement for September, 2011, and ongoing for any funds accessed by the 8267 card.



Susan Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 9/8/11

Date Mailed: 9/8/11

201146604/SB

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 of the rehearing decision.

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