

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

IN THE MATTER OF:



Reg. No: 201150623
Issue No: 3023
Case No: [REDACTED]
Hearing Date: October 4, 2011
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 October 4, 2011. Claimant personally appeared and provided testimony.

ISSUE

Whether the department took the proper steps to replace the claimant's past due Food Assistance Program (FAP) benefits after the claimant's case was erroneously closed?

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 receiving FAP benefits at all times pertinent to this hearing.
2. On May 7, 2010, the claimant was sent a redetermination packet for her for her FAP, Medical Assistance (MA), and State Disability Assistance (SDA) benefits. (Department Hearing Summary).
3. The claimant's benefits were closed on June 1, 2011 due to the claimant not completing and returning the redetermination packet. (Department Hearing Summary).
4. The department determined that the claimant's benefits were closed erroneously because the redetermination packet was not mailed to the claimant's proper address.

5. The department subsequently completed the claimant's redetermination and applied retroactive benefits for the claimant.
6. The claimant filed a hearing request on June 18, 2010 due to the closure of her benefits and proceeded with the hearing because she did not feel the department had properly rectified their mistake.

CONCLUSIONS OF LAW

As a preliminary matter, the claimant had initially indicated on her hearing request that she was requesting a hearing regarding her FAP and cash benefits. At the hearing, the claimant stated that she was only concerned with her FAP benefits for the purposes of the hearing. Therefore, this Administrative Law Judge will make a determination as to the claimant's FAP benefits only.

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 Bridges Reference Manual (BRM).

In relation to benefit closure, and closures that occurred in error, department policy states as follows:

REINSTATEMENT REASONS

ALL PROGRAMS

Reinstatement restores a closed program to active status without completion of a new application. Closed programs may be reinstated for any of the following reasons:

- Closed in error
- Closed-correct information not entered

- Timely hearing request
- Redetermination packet not logged in
- Hearing decision ordered reinstatement
- Complied with program requirements before negative action date
- DHS-1406 manually sent and due date is after the last day of the sixth month
- Court ordered reinstatement

Bridges will determine eligibility and the amount of program benefits for the month of reinstatement and any months during which the program was closed, as if the program had not been closed. BAM 205.

In the case at hand, the department testified that after the claimant's FAP case was closed for failure to complete the redetermination, the claimant's case was examined further and it was determined that the case was closed in error. The department representative stated that the claimant's case was reopened and that her benefits were reinstated back to June 1, 2011. The department representative further testified that the claimant was paid past due benefits for the time period that her case was erroneously closed. The department representative provided a Bridges Summary Inquiry (see Department Exhibit 6) that showed that the claimant had been paid the past due benefits. The claimant's point of contention was that she had not in fact received the past due benefits for the time that her case was closed. However, the claimant was not able to provide any additional evidence (aside from her own testimony) to show that the department had in fact not paid her said benefits. Based on the evidence of record, this Administrative Law Judge finds that the department took the proper action in accordance with policy in reinstating the claimant's FAP benefits and that the claimant was paid past due benefits that were due and owing to her.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department took the proper steps to reinstate and supplement the claimant's FAP benefits after they were erroneously closed.

Accordingly, the department's actions are **AFFIRMED**. It is SO ORDERED.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 11, 2011

Date Mailed: October 12, 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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