

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201238853
Issue No: 3022
Case No: [REDACTED]
Hearing Date: April 10, 2012
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on Tuesday, April 10, 2012, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application close Claimant's case reduce Claimant's benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input type="checkbox"/> Medical Assistance (MA)? | |

FINDINGS OF FACT

I find as material fact, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses:

1. Claimant applied for was receiving: FIP FAP MA SDA CDC.
2. On January 17, 2012, the Claimant was not provided with a redetermination form (DHS-1010).
3. Claimant was required to submit requested redetermination forms by February 7, 2012.
4. On February 2, 2012, the Claimant returned the redetermination forms.

5. On February 7, 2012, the Claimant was unavailable for the redetermination interview.
6. On or around February 7, 2012, the Department sent the Claimant a notice of missed interview and asked the Claimant to contact the Department to reschedule the redetermination interview. The Department gave the Claimant until approximately February 29, 2012 to reschedule.
7. After receiving the notice of missed interview, the Claimant contacted her case worker numerous times and left voice messages to reschedule the redetermination interview.
8. On March 1, 2012, the Department denied Claimant's application closed Claimant's case reduced Claimant's FAP case.
9. On February 7, 2012, the Department sent notice of the denial of Claimant's application. closure of Claimant's case. reduction of Claimant's benefits.
10. On March 9, 2012, Claimant filed a hearing request, protesting the denial. closure. reduction.

CONCLUSIONS OF LAW

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

The 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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

Based on the testimony and evidence presented, I find the Claimant contacted the Department and left several messages to reschedule the redetermination interview. The case worker in question did not appear at the hearing. I was unable to question the case worker or hear the case workers accounting of what transpired between himself and the Claimant. Further troubling is the fact there is no record of case action and the hearing summary indicates a notice date of February 7, 2012.

Therefore, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, I conclude the Department improperly closed Claimant's FAP case.

DECISION AND ORDER

I find based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Department did not act properly in closing the Claimant's FAP case.

Accordingly, the Department's decision is **REVERSED** for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a redetermination as to the Claimant's eligibility for FAP benefits beginning March 1, 2012 and issue retroactive benefits if otherwise eligible and qualified.

/s/
Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 11, 2012

Date Mailed: April 12, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the receipt date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
- misapplication of manual policy or law in the hearing decision,
- typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
- the failure of the ALJ to address other relevant issues in the hearing decision.

201238853/CAA

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CAA/tb

cc:

