

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

IN THE MATTER OF:



Reg. No: 201250618
Issue No: 3008
Case No: [REDACTED]
Hearing Date: May 31, 2012
St. Joseph 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 claimant's request for a hearing. After due notice, a telephone hearing was held on May 31, 2012. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly close the claimant's case Food Assistance Program (FAP) benefits for failure to return the requested 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 has been a recipient of FAP benefits during all relevant time periods.
2. On February 12, 2012, the claimant was sent a redetermination packet with a due date of March 1, 2012. (Department Exhibit 7).
3. The redetermination packet was submitted on March 23, 2012 and an interview was completed on March 31, 2012. (Department Exhibit 7).
4. The claimant was then sent a verification checklist on April 5, 2012, with a due date of April 16, 2012. (Department Hearing Summary).
5. The requested verifications were not received by the department by April 16, 2012.

6. Because the department did not receive the requested verifications by the due date, the claimant's FAP benefits were terminated.
7. On April 24, 2012, the claimant submitted a hearing request protesting the closure of her FAP case.

CONCLUSIONS OF LAW

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).

Claimants are required to comply with the local office to allow the department to determine initial or ongoing eligibility. BAM 105. The department must periodically re-determine claimants' eligibility for benefits. BAM 210. Benefit eligibility must be re-determined at least once every 12 months. For FAP, the department is directed to stop benefits at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210.

Claimants may also be required to submit verifications as part of the redetermination process. With respect to verifications for the FAP program, policy states as follows:

FAP Only

Verifications must be provided by the end of the current benefit period **or** within 10 days after they are requested, whichever allows more time. If the 10th day falls on a weekend or holiday, the verification will not be due until the next business day. BAM 210.

Policy also directs that notice must be given to claimants when the department takes action affecting their benefits. There are two different types of notice for cases requiring such; adequate and timely notice. Adequate notice is notice is written notice sent to the

claimant the same time the action takes effect. BAM 220. Timely notice is given for a negative action on all programs unless policy specifies adequate or no notice required. BAM 220. A timely notice is mailed at least 11 days before the action takes effect. BAM 220. With respect to the FAP program, policy sets out specific instances where no notice is required. Policy states as follows:

**Actions Not Requiring Notice
FAP Only**

A notice of case action is **not** sent in the situations below. The action must take effect no later than the month after the change.

- Reliable information indicates the group left the state.
- Reliable information indicates all members died. Reliable sources generally include a newspaper, friends or relatives of the group, or other agencies.
- Supplementation over multiple months to restore lost benefits is completed; see BAM 406.
- From a joint FIP/SDA and FAP application, the FAP benefit began first **and** the FAP approval letter indicated the benefit might decrease if FIP/SDA were later approved.
- The FAP benefit varies from month to month within the benefit period due to changes anticipated when the case was certified, **and** the group was so notified at that time.
- Benefits are reduced for failure to repay an FAP overissuance that resulted from IPV (BAM 720) or client error (BAM 715). Also see BAM 725.
- The FAP certification period has expired.
- The group voluntarily requests closure in writing. BAM 220.

In the case at hand, the claimant completed her redetermination form and had her interview conducted. She was in turn sent a verification request in relation to those completed forms. The redetermination was originally due on March 1, 2012, but the deadline was extended as the claimant did not submit the completed form until March 26, 2012. In turn, the verifications for the redetermination were not sent to the claimant until April 5, 2012, with a due date of April 16, 2012. The benefit certification period was set to end March 31, 2012 in the absence of a completed redetermination. Policy directs that verifications for redeterminations are to be provided with ten days or by the end of the benefit period, whichever provides for more time. BAM 210. In this case, the end of the benefit period was March 31, 2012, therefore ten days from the date the verification request was mailed would provide more time. The claimant did not return the requested verifications by the due date; therefore the department terminated the claimant's benefits. Policy also directs that when benefits are terminated due to the expiration of the FAP certification period, no notice is required. Accordingly, because the claimant did not return the requested verifications by the due date, the department properly allowed the FAP certification period to expire and in turn properly terminated the claimant's benefits. The Administrative Law Judge therefore finds that the

department acted properly in accordance with policy in terminating the claimant's FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed the claimant's FAP case.

Accordingly, the department's actions are **AFFIRMED**.

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

Date Signed: June 8, 2012

Date Mailed: June 8, 2012

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.

CSS/cr

cc:

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