

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No: 201257025
Issue No: 3008
Case No: [REDACTED]
Hearing Date: July 10, 2012
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on July 10, 2012. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case on May 31, 2012?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of Medical Assistance (MA) and Food Assistance Program (FAP) benefits. Claimant was due for an eligibility redetermination by May 31, 2012.
2. On April 24, 2012, Claimant was sent a Verification Checklist (DHS Form 3503) requesting income information for [REDACTED], one of Claimant's [REDACTED]. The request was generated because a wage match was found for [REDACTED] showing he had earned income from two different sources during the first quarter on 2012.
3. On May 18, 2012, Claimant was sent notice that her Medical Assistance (MA) benefits would continue. A Change Report was also sent to Claimant with the notice.
4. On May 21, 2012, Claimant submitted the Change Notice to inform the Department that her [REDACTED] was no longer working and her [REDACTED] was no longer working.

5. On May 31, 2012, Claimant's Food Assistance Program (FAP) closed for failure to provide required verifications.
6. On June 8, 2012, Claimant submitted a request for hearing.
7. On June 12, 2012, Claimant submitted a new application for Food Assistance Program (FAP) benefits which was approved.

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 (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 Program Reference Manual (PRM).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BAM 210 REDETERMINATION/EX PARTE REVIEW DEPARTMENT POLICY All Programs

The Department of Human Services must periodically redetermine an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors.

Redetermination, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. However, the client **must** complete a DHS-1171, Assistance Application, to request a program that is not active at the time of redetermination.

Local offices must assist clients who need and request help to complete applications, forms and obtain verifications; see BAM 130, Obtaining Verification.

FAP CLIENT FAILURE TO MEET REDETERMINATION REQUIREMENTS FAP Only

Delays 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.

Any of these reasons can cause a delay in processing the redetermination. When the group is at fault for the delay, the redetermination must be completed in 30 days.

If there is no refusal to cooperate and the group complies by the 30th day, issue benefits within 30 days. Benefits are not prorated.

FAP TIMELY AND UNTIMELY FILING DATE

FAP Only

Timely Filing Date

In order to receive uninterrupted benefits, (benefits available on their scheduled issuance date) the client must file the redetermination through MI Bridges or file either a DHS-1010, Redetermination, DHS-1171, Assistance Application, or a DHS-2063B, Continuing Food Assistance Benefits, by the 15th of the redetermination month.

Untimely Filing Date

FAP Only

Any FAP redetermination form **not** submitted timely (see above) has the same processing timeframe as an initial application (30 days); see FAP Client Failure to Meet Redetermination Requirements in this item.

VERIFICATIONS DEADLINE

FIP, SDA, CDC, MA, AMP, and TMAP

Verifications are due the same date as the redetermination/review interview. When an interview is not required, verifications are due the date the packet is due. Bridges allows clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. If the 10th day falls on a weekend or holiday, the verification would not be due until the next business day. Bridges gives timely notice of the negative action if the time limit is **not** met.

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.

If verifications are provided by the required deadline but too late for normal benefit issuance, benefits must be issued within five workdays.

Claimant testified that [REDACTED] was no longer working so she did not know that she needed to submit anything about him. Claimant also testified that when she got the notice about her Medical Assistance (MA) she assumed everything was alright with her FAP. Claimant lost the right to uninterrupted benefits because the information about [REDACTED] was not submitted until after the 15th (FAP Timely Filing Date). In accordance with the policy cited above the Department had until June 20, 2012 to complete the redetermination. Because Claimant submitted a new application on June 12, 2012 the Department was required (and did) issue FAP benefits she was eligible for sooner than was required by completing the redetermination process.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Food Assistance Program (FAP) case on May 31, 2012.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 16, 2012

Date Mailed: July 16, 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.

201257025/GFH

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.

GFH/tb

cc:

