

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

IN THE MATTER OF:



Reg. No.: 201257286
Issue No.: 1015 3003
Case No.: [REDACTED]
Hearing Date: July 9, 2012
County: Wayne DHS (43)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 July 9, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included Stella Brown-Jackson, Manager.

ISSUE

The issue is whether DHS properly processed Claimant's Food Assistance Program (FAP) and Family Independence Program (FIP) benefit eligibility based on the proper application date.

FINDINGS OF FACT

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

1. On 5/7/12, Claimant applied for FAP and FIP benefits.
2. On 5/31/12, DHS issued \$383 in FAP benefits to Claimant for 5/2012, in part, based on a 5/17/12 application date.
3. On an unspecified date, DHS approved Claimant's FIP benefit eligibility, in part, based on a 5/17/12 application date.
4. On 5/31/12, Claimant requested a hearing to dispute her FAP and FIP benefit eligibility based on DHS using an improper date of application.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* DHS administers the FIP pursuant to MCL 400.10, *et seq* and MAC R 400.3101-3131. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The date of application is the date the local office receives the required minimum information on an application or the filing form. BAM 110 at 4. DHS is to record the date of application on the application or filing form. *Id.* The date of application does not change for FIP, SDA, MA, CDC or AMP when the application is transferred to another local office. *Id.*

It was not disputed that DHS registered and processed Claimant's application based on a 5/17/12 receipt date. Claimant contended that she submitted the application to DHS on 5/3/12. A check of the original application verified a date stamp receipt date of 5/7/12. Though there was no evidence to verify that the application was date stamped on the date DHS received the application, this was the best evidence of when DHS received the application. It is found that DHS received Claimant's application on 5/7/12.

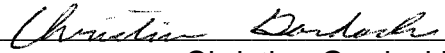
It was not disputed that Claimant's FAP and FIP benefit eligibility was impacted by DHS' reliance on an incorrect application date. Accordingly, the DHS actions are reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly processed Claimant's eligibility for FAP and FIP benefits. It is ordered that DHS:

- (1) re-process Claimant's eligibility for FAP and FIP benefits based on an application date of 5/7/12; and
- (2) supplement Claimant for any FAP and FIP benefits not received as a result of originally using an incorrect processing date.

The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 13, 2012

Date Mailed: July 13, 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 mailing 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.

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

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

CG/hw

cc: 

Wayne County DHS (43)/ 1843



MAHS