

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201258685  
Issue No.: 3022  
Case No.: [REDACTED]  
Hearing Date: July 19, 2012  
County: Wayne DHS (19)

**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 19, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

**ISSUE**

The issue is whether DHS properly ended Claimant's Food Assistance Program (FAP) benefit eligibility due to a failure by Claimant to complete a FAP benefit interview.

**FINDINGS OF FACT**

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

1. Claimant was an ongoing FAP benefit recipient.
2. Claimant's FAP benefit eligibility was scheduled to be redetermined prior to the end of 5/2012.
3. On 4/16/12, DHS mailed Claimant a Redetermination (Exhibit 1).
4. The Redetermination informed Claimant of a 5/4/12 due date for completing the form, along with any required verifications.
5. On 5/1/12, Claimant submitted the Redetermination and required forms to DHS.

6. Claimant's DHS specialist did not call Claimant for an interview on 5/4/12 because she had not yet received the Redetermination.
7. On 5/31/12, DHS mailed Claimant a Notice of Case Action informing Claimant of a FAP benefit termination due to Claimant's alleged failure to complete a FAP benefit interview.
8. On 6/11/12, Claimant requested a hearing to dispute the FAP benefit termination.

### **CONCLUSIONS OF LAW**

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

☒ 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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

DHS must periodically redetermine an individual's eligibility for benefit programs. BAM 210 at 1. A complete redetermination is required at least every 12 months. *Id.*

The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. *Id.* at 4. The packet consists of forms and requests for verification that are necessary for DHS to process the redetermination. The forms needed for redetermination may vary, though a Redetermination (DHS-1010) is an acceptable review form for all programs. Verifications for redetermination must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. *Id.* at 12. An interview is required before denying a redetermination even if it is clear from the DHS-1010/1171 or other sources that the group is ineligible. *Id.* at 3.

In the present case, it was not disputed that Claimant complied with all redetermination requirements except for completing a FAP benefit interview. The issue to determine is whether the failure to complete an interview was the fault of Claimant or DHS.

DHS conceded that Claimant timely submitted the Redetermination on 5/1/12, three days prior to the scheduled interview date of 5/4/12. The testifying DHS specialist stated that she did not call Claimant on 5/4/12 for the scheduled interview because she had not yet received Claimant's Redetermination form. She testified that she did not receive the forms until 5/8/12. Though the testifying specialist cannot be faulted for not calling Claimant for an interview on 5/4/12, DHS failed in their procedural requirements to call Claimant for a FAP benefit interview at the scheduled date and time after Claimant

timely met his procedural requirements. This strongly supports a finding that DHS was at fault for the failure to complete a FAP benefit interview.

There was evidence that Claimant and his assigned specialist made telephone calls to the other party in an attempt to fulfill the FAP benefit interview requirement. Both sides acted very reasonably and professionally in an attempt to complete the interview. However, the bottom line is that Claimant met the FAP benefit redetermination procedural requirements, DHS did not. Accordingly, the FAP benefit termination is properly reversed.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's eligibility for FAP benefits effective 6/2012. It is ordered that DHS:

- (1) complete a telephone interview concerning Claimant's FAP benefit eligibility effective 6/2012;
- (2) following the interview, process Claimant's FAP benefit eligibility effective 6/2012.

The actions taken by DHS are REVERSED.



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

Date Signed: July 25, 2012

Date Mailed: July 25, 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:

