

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-6251
Issue No.: 3022
Case No.: [REDACTED]
Hearing Date: November 28, 2011
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following the Claimant's request for a hearing. After due notice, a hearing was conducted from Detroit, Michigan on Monday, November 28, 2011. The Claimant appeared and testified. Participants on behalf of Department of Human Services ("Department") were [REDACTED]

ISSUE

Whether the Department properly closed the Claimant's case for food assistance benefits ("FAP") effective October 1, 2011?

FINDINGS OF FACT

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

1. The Claimant is a FAP recipient.
2. On August 1, 2011, the Department sent a semi-annual contact report to the Claimant requesting it be submitted by September 1, 2011.
3. The Claimant participated in a hearing at the local office on August 29, 2011.
4. On September 30, 2011, the Claimant's FAP benefits terminated based on the failure to submit the semi-annual contact report.

5. On October 13, 2011, the Department received the Claimant's timely written request for hearing.

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. The Department, formerly known as the Family Independence Agency, administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3001 through 400.3015. Department policies are contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 For cases assigned a 12-month benefit period, Bridges sends out a DHS-1046, Semi-Annual Contact Report which must be completed by the client, the client's authorized representative, or by the specialist (during a telephone call, home call, or interview with the client). BAM 210. A Report is considered complete when all the sections are completed and the required verifications are returned. BAM 210. If the client fails to return a completed DHS-1046 by the last day of the sixth month, Bridges will automatically close the case. BAM 210. If the DHS-1046 is not logged in by the 10th day of the sixth month, a DHS-1046A (Potential Food Assistance Closure) is generated which serves to remind the client that the DHS-1046 and all required verifications must be submitted by the last day of the month or the case will close. BAM 210.

In this case, Bridges sent the DHS-1046 to the Claimant with a due date of September 1, 2011. On August 29th, the Claimant testified credibly that while she was at the local office for an administrative hearing regarding a different issue, she completed/submitted the DHS-1046. The worker that participated in the August 29th hearing was not the Claimant's assigned worker, and during today's hearing she testified regarding her normal business practice; however, she was unable to specifically recall whether the Claimant completed the semi-annual contact report or not. The Claimant further testified that the first time she became aware of the FAP closure was in October when she came in to check on a supplement issue as a result of the August 29th hearing. There was no evidence that the DHS-1046A was sent to the Claimant. Ultimately, in light of the foregoing, the Department's closure of FAP benefits is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department's closure of FAP benefits is not upheld.

Accordingly, the Department's FAP closure is REVERSED.

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

1. The Department shall reinstate FAP benefits from the date of closure and supplement for lost benefits that the Claimant was entitled to receive if otherwise eligible and qualified.
2. The Department shall initiate the semi-annual FAP review (if not previously done so) in accordance with Department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: December 2, 2011

Date Mailed: December 2, 2011

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 at

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

CMM/cl

cc:

