

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201269448
Issue No.: 3025
Case No.: [REDACTED]
Hearing Date: September 19, 2012
County: Shiawassee County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

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 September 19, 2012, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] Participants on behalf of Department of Human Services (Department) included [REDACTED] and [REDACTED]

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

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 applied for benefits received benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On May 30, 2012, the Claimant submitted to the Department a redetermination.
3. On June 4, 2012, the Claimant participated in an interview.
4. On June 4, 2012, the Department sent to the Claimant a verification checklist. The verification checklist was due June 14, 2012.
5. On June 13, 2012, the Claimant's mother dropped off the verification checklist.
6. On June 20, 2012, the Claimant left Michigan to visit a friend in California.
7. On approximately July 12, 2012, the Claimant spoke with someone from the Department. The Claimant inquired about a possible closure of her FAP case. During the discussion, the Claimant indicated she would be visiting her friend in California until July 25, 2012.
8. On approximately July 12, 2012, the Department stopped the processing of the Claimant's June 2012 FAP redetermination due to the Claimant being out of the state of Michigan for more than 30 days.
9. As of July 1, 2012, the Claimant's FAP case closed due to the Department's failure to process the redetermination.
10. On August 3, 2012, the Claimant requested a hearing to dispute the FAP closure.

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 FAP [formerly known as the Food Stamp (F S) 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 1999 AC, R 400.3001 through Rule 400.3015.

USCIS refers to the U.S. Citizenship and Immigration Services, formerly the Bureau of Citizenship and Immigration or Immigration and Naturalization Service. To be eligible, a person must be a Michigan resident. Bridges uses the requirements in the [Residence](#) section in this item to determine if a person is a Michigan resident. BEM 220.

A person is considered a resident while living in Michigan for any purpose **other than a vacation**, even if there is no intent to remain in the state permanently or indefinitely. BEM 220.

A person who is temporarily absent from the group is considered living with the group. A person's absence is temporary if all of the following are true:

- His location is known.
- He lived with the group before his absence (newborns are considered to have lived with the group).
- There is a definite plan for his return.
- The absence has lasted or is expected to last 30 days or less. BEM 212.

In this case, the Claimant was out of the state of Michigan for more than 30 days and therefore per policy could no longer be part of the group and is consequentially ineligible for benefits during the absence. Although the trip was more or less a vacation, the duration did not allow the Claimant the opportunity to maintain her eligibility for FAP benefits.

Accordingly, the Claimant is ineligible for benefits during the time period in which she was absent from the State of Michigan and the Department acted appropriately in denying eligibility during this time period.

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 did act properly.

Accordingly, the Department's FAP decision is **AFFIRMED** for the reasons stated on the record.

/s/
Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: September 21, 2012

Date Mailed: September 21, 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 affect 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

CAA/las

cc:

