

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201269548
Issue No.: 1010, 3022
Case No.: [REDACTED]
Hearing Date: October 15, 2012
County: Wayne DHS (55)

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 October 15, 2012 from Detroit, Michigan. Participants included the above named claimant; [REDACTED] testified and appeared as Claimant's translator and authorized hearing representative (AHR). Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUES

The first issue is whether DHS properly terminated Claimant's eligibility for Food Assistance Program (FAP) benefits effective 5/2012 due to unknown reasons.

The second issue is whether DHS met their standard of promptness in processing Claimant's application requesting Family Independence Program (FIP) benefits.

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. On 4/2/12, Claimant applied for FIP benefits
3. On an unspecified date, DHS terminated Claimant's eligibility for FAP benefits effective 5/2012 due to unknown reasons.
4. DHS failed to register or process Claimant's application for FIP benefits.

5. On 6/19/12, Claimant requested a hearing to dispute the termination of FAP benefits and the failure by DHS to process eligibility for FIP benefits.

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).

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).

It was established that DHS terminated Claimant's eligibility for FAP benefits beginning 5/2012. It was not clear why DHS terminated the eligibility. The issue appeared to be one dealing with redetermination because the benefit termination coincided during a time DHS was redetermining Claimant's FAP benefit eligibility.

DHS must periodically redetermine an individual's eligibility for active benefit programs. BAM 210 (5/2012), p. 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.

During the hearing, DHS speculated that Claimant's FAP benefit eligibility ended due to a failure by Claimant to submit a Redetermination and/or to verify Claimant's daughter's employment income. Shortly after DHS verbalized the speculation, DHS discovered that they possessed completed versions of the allegedly unreturned documents; the discovery rendered the speculative reasons justifying the closure to be groundless. DHS failed to provide any legitimate basis for the benefit termination.

Claimant also requested a hearing concerning a failure to receive FIP benefits. It was eventually agreed upon that Claimant applied for FIP benefits on 4/2/12.

To insure reasonable turn-around times on decisions, DHS imposed standards of promptness for each of their programs. The standard of promptness begins the date the department receives an application/filing form, with minimum required information. BAM 115 (4/2012), p. 12. For FIP benefits, DHS is to certify program approval or denial of the application within 45 days.


DHS testified that Claimant's application for FIP benefits was never processed despite over six months elapsing since the date of application. It is uncertain whether Claimant was eligible for FIP benefits. It is certain that Claimant is entitled to receive a decision concerning his FIP benefit application.

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 and failed to make any determination on Claimant's application for FIP benefits. It is ordered that DHS:

- (1) reinstate Claimant's eligibility for FAP benefits effective 5/2012 subject to the finding that DHS failed to establish any basis for terminating the benefits;
- (2) register Claimant's application dated 4/2/12 requesting FIP benefits;
- (3) process Claimant's eligibility for FIP and FAP benefits; and
- (4) supplement Claimant for any benefits not issued due to the improper FAP benefit termination and FIP application inaction.

The actions taken by DHS are REVERSED.


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

Date Signed: 10/24/2012

Date Mailed: 10/24/2012

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

CG/hw

cc:

