

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-76895
Issue No.: 3012
Case No.: [REDACTED]
Hearing Date: October 22, 2012
County: Macomb (36)

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 Claimant's request for a hearing. After due notice, a hearing was held in Sterling Heights, Michigan on Monday, October 22, 2012. The Claimant appeared, along with [REDACTED], and testified. Participating on behalf of Department of Human Services ("Department") was [REDACTED] and [REDACTED].

ISSUE

Whether the Department properly terminated the Claimant's food assistance ("FAP") benefits effective August 1, 2012?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. The Claimant was a FAP recipient.
2. On July 10, 2012, the Department sent an Appointment Notice to the Claimant requesting the Claimant call the Department on July 23, 2012 at 9:00a.m. to conduct a telephone interview necessary to re-certify benefits. (Exhibit 2)
3. The July 23, 2012, the telephone interview was not conducted. (Claimant Exhibit B, p. 3).
4. On July 27, 2012, the Department sent an Appointment Notice to the Claimant instructing her to appear for an in-person interview on August 6, 2012 at 9:00a.m. (Exhibit 3)

5. The Claimant's FAP benefits terminated effective August 1, 2012.
6. The Claimant did not appear for the in-person interview.
7. On August 9, 2012, the Department sent a "Quick Note" to the Claimant acknowledging the missed interview and requesting a telephone number be provided so the interview could be completed by August 15, 2012. (Exhibit 4)
8. On August 14, 2012, the Department's District Manager received an anonymous email on behalf of the Claimant (without identifying the Claimant's name, case number, etc.) requesting to have a conversation regarding reported mishandling of a disabled client. (Claimant Exhibit B, p. 5)
9. In response, the District Manager replied to the email stating that she would be in the office all day on Friday, August 17th, Monday, August 20th, and Tuesday, August 21, 2012 and provided her contact information. (Claimant Exhibit B, p. 6)
10. On August 20, 2012, the District Manager again replied to the August 14th email requesting the recipient's identification. (Claimant Exhibit B, p. 7)
11. On August 21, 2012, a Quick Note was sent to the Claimant informing her that the Department would come to the Claimant's residence on August 28th at 1:30pm. to conduct the interview for recertification of FAP benefits. (Exhibit 5)
12. On or about August 20th, the Department received a letter from the Claimant authorizing a Representative to act on her behalf. (Claimant Exhibit B, p. 9)
13. On August 21, 2012, the Department sent the Representative (who sent the previous emails) notification of the in-home interview scheduled for August 28, 2012. (Claimant Exhibit B, p. 10)
14. The Claimant contacted the Department via telephone and the interview was conducted.
15. On September 7, 2012, the Department received the Claimant's written request for hearing to "resolve issues of discrimination, failure to act, and undue delay regarding recertification of FAP benefits." (Exhibit 1)
16. In September 2012, the Department certified the Claimant's benefits and supplemented the Claimant for lost FAP benefits for August 2012. (Exhibit 8)

CONCLUSIONS OF LAW

Department policies 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, 42 USC 601, *et seq.* The Department, formerly known as the Family Independence Agency, administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children program effective October 1, 1996.

The Food Assistance Program (“FAP”), 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 Rule 400.3015.

The Medical Assistance (“MA”) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. The Department, formerly known as the Family Independence Agency, administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (“SDA”) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department, formerly known as the Family Independence Agency, administers the SDA program pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3151 through Rule 400.3180.

The Child Development and Care (“CDC”) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, Rules 400.5001 through Rule 400.5015.

The Department must periodically redetermine an individual’s eligibility for active programs. BAM 210 (2012), p. 1. The redetermination process includes thorough review of all eligibility factors. BAM 210, p. 1. Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 (2012), p. 12. Benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 2. The Department will issue a payment for lost benefits if the client is **not** at fault for delayed processing. BAM 210, p. 14.

In this case, the Claimant’s FAP benefits came up for review in July 2012. The redetermination was not completed and the Claimant’s benefits were terminated

effective August 1, 2012. As detailed in the Findings of Fact, various communications, between the Department and Claimant/Representative ensued which culminated in FAP benefits being certified in September 2012. The Department supplemented the Claimant for FAP benefits for August 2012 in accordance with policy. As such, the Claimant has not "lost" any FAP benefits. In light of the foregoing, there is no further issue to be resolved regarding the recertification of FAP benefits. Accordingly, the Department's actions are AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds the Department established it acted in accordance with department policy when ultimately recertified the Claimant for FAP benefits in September 2012 and supplemented the Claimant for FAP benefits for August 2012 resulting in no loss of benefits.

Accordingly, it is ORDERED:

The Department's determination is **AFFIRMED**.

Colleen M. Mamelka

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

Date Signed: October 23, 2012

Date Mailed: October 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

CMM/tmm

cc:

