

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-13995
Issue No.: 3002, 3003
Case No.: [REDACTED]
Hearing Date: January 4, 2012
County: Calhoun

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 January 4, 2012 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED], Case Manager.

ISSUE

Did the Department properly determine Claimant's Food Assistance Program (FAP) benefits in November, 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. Claimant had a \$649.00 monthly FAP allotment with a group size of 5 (five).
2. On September 4, 2011, the Department mailed Claimant a Redetermination packet of forms (DHS-1010), which scheduled Claimant for an in person appointment located at the Calhoun County DHS office on October 4, 2011 at 3:15pm. (Department Exhibits 21-24). According to the DHS-1010, Claimant was instructed to return the completed forms and required proofs by October 4, 2011 or her benefits may be cancelled or reduced. (Department Exhibit 21).
3. On October 4, 2011, Claimant missed her interview and did not return her Redetermination Forms. (Department Exhibit 20).

4. The Department mailed Claimant a Notice of Missed Interview form (DHS-254) which requested that Claimant reschedule her interview appointment before October 31, 2011. (Department Exhibit 20).
5. Claimant did not reschedule her interview appointment by October 31, 2011.
6. The Department closed Claimant's FAP effective October 31, 2011.
7. On November 16, 2011, the Department received Claimant's application (DHS-1171) for FAP. (Department Exhibits 1-16).
8. The Department processed Claimant's application and then sent her a Notice of Case Action (DHS-1605) entitled "Intended Action.," The DHS-1605 approved Claimant's FAP for [REDACTED] per month for the period of November 16, 2011 through November 30, 2011 and then for [REDACTED] per month beginning December 1, 2012. (Department Exhibits 17-19).
9. On November 23, 2011, Claimant requested a hearing challenging the Department's decision to provide her with a [REDACTED] FAP allotment from November 16, 2011 through November 30, 2011 rather than [REDACTED] for the entire month of November. (Request for Hearing)

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department provides an administrative hearing to review the decision and determine its appropriateness. BAM 600.

The regulations that govern the hearing and appeal process for applicants and recipients of public assistance in Michigan are contained in the Michigan Administrative Code (Mich Admin Code) Rules 400.901 through 400.951. An opportunity for a hearing shall be granted to a recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code 400.903(1). 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 1997 AACS R 400.3001-3015.

The Department of Human Services must periodically redetermine an individual's eligibility for active types of assistance. The redetermination process includes thorough review of all eligibility factors. BAM 210.

For purposes of FAP, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210. If the client does not complete the redetermination process, the Department will allow the benefit period to expire. BAM 210. The redetermination process begins when the client files a DHS-1171, Assistance Application, DHS-1010, Redetermination, DHS-1171, Filing Form, or DHS-2063B, Food Assistance Benefits Redetermination Filing Record. BAM 210.

In order for a client to receive uninterrupted benefits, (benefits available on their scheduled issuance date) the client must file either a DHS-1010, Redetermination, DHS-1171, Assistance Application, or a DHS-2063B, Continuing Food Assistance Benefits, **by the 15th of the redetermination month.** BAM 210.

Here, Claimant does not dispute that she failed to timely return her Redetermination Forms, which caused her FAP to close at the end of October, 2011. Rather, Claimant contends that when she reapplied for FAP on November 16, 2011, she should have received [REDACTED] rather than [REDACTED]. Because Claimant did not submit her FAP application (DHS-1171) until after 15th of the redetermination month (November, 2011), she was not entitled to uninterrupted benefits. The Department properly provided her with a pro-rated amount ([REDACTED]) from November 16, 2011 through November 30, 2011. Because the Department acted in accordance with BAM 210, Claimant is not entitled to [REDACTED] in FAP during that time period.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly determined Claimant's FAP benefits during the month of November, 2011.

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 above and for the reasons stated on the record.

/s/

C. Adam Purnell
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 1/6/12

Date Mailed: 1/6/12

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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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

CAP/ds

A large black rectangular redaction box covering the signature and name of the claimant.