

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-16089
Issue No.: 1000; 3008
Case No.: [REDACTED]
Hearing Date: January 30, 2013
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 on January 30, 2013, in Detroit, Michigan. Participants on behalf of Claimant included Claimant and Claimant's Authorized Hearing Representatives [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], FIS, and [REDACTED].

ISSUE

Did the Department properly deny Claimant's redetermination for Claimant's Food Assistance Program (FAP) case?

Did the Department issue a negative action with regard to Claimant's 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 applied for benefits for FIP and received benefits for FAP.

2. In June of 2012, Claimant notified the Department of her change of address.
3. On September 11, 2012, the Department issued a Redetermination Telephone Interview Notice to Claimant's previous address. (Exhibit 1, p.1)
4. On October 2, 2012, the Department issued a Notice of Missed Interview to Claimant's previous address. (Exhibit 1, p. 6)
5. Claimant did not receive the Redetermination Telephone Interview Notice and the Notice of Missed Interview.
6. The Department denied Claimant's FAP redetermination and Claimant did not receive FAP benefits for November of 2012.
7. Claimant applied for FAP and FIP on December 7, 2012.
8. Claimant received FAP benefits for December 2012 and ongoing.
9. Claimant requested a hearing on December 12, 2012 regarding FIP and FAP.
10. Claimant's FIP application had not been completely processed and a negative action was not issued at the time of Claimant's request for hearing.

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 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 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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 1999 AC, Rule 400.3001 through Rule 400.3015.

FIP

In the present case, Claimant applied for FIP on December 7, 2012. Claimant requested a hearing on December 12, 2012.

The Michigan Administrative Code R 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance.

Claimant conceded at the hearing that a negative action had not been issued with regard to FIP at the time of her request for hearing. Claimant did not deny that the Department processed Claimant's FIP application in a timely manner. Claimant received a negative action notice regarding FIP, but that notice was issued after her request for hearing was filed, and thus not properly before this Administrative Law Judge for review at this hearing. Therefore, Claimant's FIP request for hearing is dismissed pursuant to Michigan Administrative Code R 400.903(1).

FAP

In the present case, the Department issued a Redetermination Telephone Interview Notice and a Notice of Missed Interview to Claimant's previous address in September of 2012 and October of 2012, respectively. (Exhibit 1, pp. 1, 6) However, Claimant testified credibly that she had notified the Department of her change of address in June of 2012 and that she did not receive the above-described notices. In addition, the Department testified that it had proof of a Secretary of State Change of address as of September 5, 2012, prior to the first notice being issued by the Department.

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 105; BAM 130 Based on the above discussion, I do not find that Claimant failed to cooperate with the Department. The Department was therefore not correct in denying Claimant's FAP redetermination.

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 improperly denied Claimant's redetermination for FAP.

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. did not act properly.

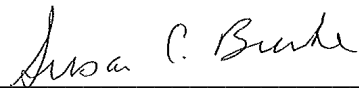
Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT SHALL INITIATE WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER, THE FOLLOWING:

1. Initiate redetermination of Claimant's FAP benefits for the month of November 2012.
2. Notify Claimant of the redetermination approval or denial in writing.
3. Issue FAP supplements, if Claimant is otherwise eligible for FAP, in accordance with Department policy.

IT IS FURTHER ORDERED:

Claimant's request for hearing regarding FIP is DISMISSED pursuant to Michigan Administrative Code R 400.903(1).



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 1, 2013

Date Mailed: February 1, 2013

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 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.

2013-16089/SCB

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

JL/tm

cc:

