

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

**IN THE MATTER OF:**



Reg. No.: 201321396  
Issue No.: 2000, 3022  
Case No.: [REDACTED]  
Hearing Date: February 28, 2013  
County: Wayne DHS (19)

**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 February 28, 2013 from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED] Specialist.

**ISSUE**

The issue is whether DHS properly determined Claimant's Food Assistance Program (FAP) benefit.

**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 and MA benefit eligibility.
2. The final month of Claimant's FAP benefit period was 10/2012.
3. On an unspecified date, Claimant submitted FAP benefit redetermination documentation to DHS.
4. DHS allowed Claimant's FAP benefit period to expire, effective 11/2012, due to an alleged failure by Claimant to submit redetermination documents.
5. On an unspecified date, DHS reduced Claimant's MA benefit eligibility from Medicaid to Medicaid subject to a deductible.

6. On 1/10/13, Claimant requested a hearing to dispute the reduction in MA benefit eligibility and a termination of FAP benefits.
7. After 1/10/13, DHS updated Claimant's MA benefit eligibility and determined that Claimant was eligible for Medicaid, effective 1/2013.
8. Claimant accepted the updated benefit decision as an acceptable outcome of her dispute concerning MA 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).

Claimant requested a hearing concerning a termination of FAP benefit eligibility. Claimant testified that she did not receive FAP benefits in 10/2012 and 11/2012. An Eligibility Summary presented by DHS (Exhibit 1) verified that Claimant received \$126 in FAP benefits for 10/2012. The issuance is consistent with a FAP benefit redetermination interview scheduled in 10/2012, a point which Claimant conceded. It is found that Claimant received FAP benefits for 10/2012.

It was not disputed that Claimant's FAP benefit eligibility stopped, effective 11/2012, due to an alleged failure by Claimant to complete a redetermination. DHS presented speculative testimony that the benefit termination was proper because of a failure by Claimant to return redetermination documents. Claimant responded that she thought that she returned redetermination documents to DHS. Neither side's testimony was particularly compelling concerning this issue.

Claimant testified that she had a FAP redetermination telephone interview appointment for 1:00 p.m. Claimant testified that on the date of her redetermination interview, she waited over an hour for a call from her specialist. Claimant also testified that her specialist left her a message approximately 90 minutes following the appointment apologizing for not calling her on time.

Claimant's testimony concerning the message left from DHS was detailed and credible. It is found that DHS called Claimant concerning a FAP benefit redetermination interview. Claimant's DHS specialist conceded that he would not have called Claimant for a FAP benefit interview unless he possessed Claimant's redetermination documents. Based on the presented evidence, it is found that DHS had Claimant's redetermination documents. Accordingly, the FAP benefit termination was improper.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). DHS administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant requested a hearing to dispute an MA benefit determination that Claimant was eligible to receive Medicaid subject to a deductible; subsequently, DHS updated Claimant's MA benefit eligibility. As of the date of the hearing, Claimant was eligible for Medicaid (via TMA), effective 1/2013, no deductible and no premium. Claimant accepted the update in MA benefits as a satisfactory outcome for her dispute. Thus, Claimant no longer has a dispute concerning MA benefit eligibility.

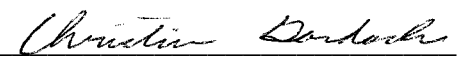
### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that there is no dispute concerning MA benefit eligibility. Claimant's hearing request is PARTIALLY DISMISSED.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's FAP benefit eligibility. It is ordered that DHS:

- (1) reinstate Claimant's FAP benefit eligibility, effective 11/2012, subject to the finding that Claimant timely submitted redetermination documentation; and
- (2) initiate a supplement of any FAP benefits not issued as a result of the DHS error.

The actions taken by DHS are PARTIALLY REVERSED.

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

Date Signed: 3/7/2013

Date Mailed: 3/7/2013

**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 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:

