

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201339272
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: May 2, 2013
County: Oakland (02)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

**ORDER OF DISMISSAL
FOR LACK OF JURISDICTION**

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 May 2, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case based on failure to timely submit a Semi-Annual Contact Report?

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. Claimant was an ongoing recipient of FAP benefits.
2. On October 1, 2012, the Department sent Claimant a Semi-Annual Contact Report (DHS-1046) for her to complete and return.
3. On November 30, 2012, the Department closed Claimant's FAP case after concluding that she had failed to complete and submit the Semi-Annual.

4. After November 30, 2012, Claimant contacted the Department's Lansing office and the local office agreed to reinstate Claimant's FAP case upon receipt of a completed Semi-Annual.
5. Claimant submitted a completed Semi-Annual on February 19, 2013.
6. The Department did not process Claimant's Semi-Annual or reinstate her FAP case.
7. On February 25, 2013, Claimant reapplied for FAP and was approved.
8. On April 2, 2013, Claimant filed a hearing request.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), the Department of Human Services Bridges Eligibility Manual (BEM) and the Department of Human Services Reference Tables Manual (RFT).

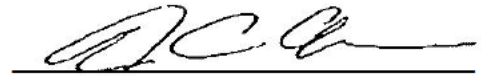
The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

Additionally, Claimant requested a hearing on April 2, 2013. In her hearing request, Claimant marked that she requested a hearing concerning the amount of her cash benefits. At the hearing, Claimant testified that she erroneously marked the cash check box on her hearing request, that she did not receive cash benefits, and that she was actually concerned about her FAP benefits. Although the Department's hearing summary and evidence addressed Claimant's FAP case, because Claimant's request for hearing indicated that she was disputing the Department's actions concerning her cash benefits and she testified at the hearing that she did not receive cash benefits, Claimant was not aggrieved by any Department action concerning cash benefits and does not have a basis to request a hearing. Mich Admin Code, R 400.903.

Furthermore, Claimant's April 2, 2013, hearing request was not timely filed with respect to the FAP issue. A request for hearing must be filed within 90 days from the date of the Department's written notice of case action. BAM 600 (February 2013), p 4. In this case, Claimant's FAP case closed on November 30, 2012, because Claimant had failed to submit a completed Semi-Annual Contact Report. Claimant's request for hearing was filed more than 90 days after the Department's action. Thus, her hearing request was untimely. Although Claimant testified that she had been in contact with the Department's Lansing office and that the local office had agreed to process her completed Semi-Annual, which the worker acknowledged on the record that she had

agreed to do, Claimant failed to preserve this agreement when she failed to file a timely hearing request.

Based on the above discussion, it is ORDERED that this matter is DISMISSED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 9, 2013

Date Mailed: May 9, 2013

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the Respondent may appeal it to the circuit court for the county in which he/she lives.

ACE/tm

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