

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-39823
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: May 6, 2013
County: Wayne (82-17)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 May 6, 2013, from Detroit, Michigan. Claimant appeared and testified. Claimant's [REDACTED] appeared and served as translator. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly close Claimant's case for Food Assistance Program (FAP) benefits?

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 December 11, 2012, the Department sent Claimant a redetermination. Exhibit 1.
3. A redetermination telephone interview was scheduled for January 2, 2013. Exhibit 2.
4. Claimant did not return the completed redetermination by January 2, 2013, so the scheduled telephone interview was not conducted.

5. On January 2, 2013, the Department sent Claimant a Notice of Missed Interview informing her that she had until January 31, 2013, to reschedule the interview or her redetermination would be denied. Exhibit 3.
6. On January 31, 2013, the Department closed Claimant's FAP case for failure to verify requested information or return a completed redetermination.
7. On April 8, 2013, Claimant filed a hearing request, disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services 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 Mich Admin Code, Rule 400.3001-3015.

Additionally, the Department must periodically redetermine an individual's eligibility for active programs. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (November 2012), p. 1. A client must complete a redetermination at least every 12 months in order for the Department to determine the client's continued eligibility for benefits. BAM 210, p. 1. A FAP client must also complete a phone interview. If the client misses the interview, Bridges sends a DHS-254, Notice of Missed Interview. BAM 210, p. 3. Before the Department proceeds with the FAP interview, it must receive the completed redetermination packet from the client. BAM 210, p. 9. FAP 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. If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges will automatically close the FAP case without sending a Notice of Case Action. BAM 210, p. 9.

In this case, on December 11, 2012, the Department sent Claimant a redetermination that was to be completed and returned to the Department. Exhibit 1. The Department scheduled a redetermination telephone interview for January 2, 2013, but did not conduct this interview because Claimant did not submit the completed redetermination packet. Exhibit 2. BAM 210, p. 9. At the hearing, Claimant confirmed that she received the redetermination and verified that she did not complete or return the packet to the Department. Claimant stated that she was not aware that she had to complete and return the redetermination packet and thought that she was only required to participate in the redetermination telephone interview on January 2, 2013. As a result of not receiving a completed redetermination and missing the interview, the Department sent Claimant a Notice of Missed Interview on January 2, 2013, informing her that she had

until January 31, 2013, to reschedule. Exhibit 3. Claimant testified that she called the Department several times and left messages after receiving the Notice of Missed Interview; however, she was not able to provide specific dates or times for the phone calls. The Department stated that it did not receive any communications from Claimant regarding the redetermination or the missed interview.

Because Claimant did not submit the completed redetermination, the Department was unable to certify a new benefit period and Claimant's FAP case automatically closed. BAM 210, pp. 2, 9. Therefore, the Department acted in accordance with Department policy when it closed Claimant's FAP case for failure to verify requested information and complete the redetermination process.

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 acted in accordance with Department policy when it closed Claimant's FAP case for failure to verify requested information. Accordingly, the Department's decision is AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 14, 2013

Date Mailed: May 14, 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 affect the substantial rights of the claimant:

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- 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

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cc:

