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

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Reg. No.: 2013-40061

Issue No.: 3019

Case No.: Hearing Date:

County:

May 6, 2013 Wayne (15)

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 telephone hearing was held on May 6, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included APW.

## ISSUE

Did the Department properly $\square$ deny Claimant's application $\boxtimes$ close Claimant's case $\square$ calculate Claimant's benefits for:							
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?	☐ Adult Medical Assistance (AMP)? ☐ State Disability Assistance (SDA)? ☐ Child Development and Care (CDC)?						
FINDINGS OF FACT							
The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:							
Claimant ☐ applied for benefits ☒ received benefits for:							
<ul> <li>☐ Family Independence Program (FIP).</li> <li>☐ Food Assistance Program (FAP).</li> <li>☐ Medical Assistance (MA).</li> </ul>	<ul><li>☐ Adult Medical Assistance (AMP).</li><li>☐ State Disability Assistance (SDA).</li><li>☐ Child Development and Care (CDC).</li></ul>						

2. On May 1, 2013, the Department ☐ denied Claimant's application ☐ closed Claimant's case ☐ calculated Claimant's benefits.							
3. On April 5, 2013, Claimant filed a hearing request, protesting the ☐ denial of the application. ☐ closure of the case. ☐ calculation.							
4. At the hearing, the Department presented no evidence substantiating its reason for closure of Claimant's FAP case.							
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 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, <i>et seq.</i> , and 1999 AC, Rule 400.3001 through Rule 400.3015.							
In the present case, the Department closed Claimant's FAP case, effective May 1, 2013. The Department's hearing summary indicated that the reason for the closure was that Claimant was no longer a resident of Michigan. Claimant, in his hearing request, disputed that allegation, stating that he was out of Michigan only temporarily. At the hearing, the Department presented no testimony or documentation, including a Notice of Case Action, substantiating its closure of Claimant's FAP case. Without such evidence, it cannot be concluded that the Department acted properly when it closed Claimant's FAP case due to Claimant not being a resident of Michigan.							
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 closed Claimant's FAP case.							
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 $\square$ did act properly. $\square$ did not act properly.							
Accordingly, the Department's $\square$ AMP $\square$ FIP $\boxtimes$ FAP $\square$ MA $\square$ SDA $\square$ CDC decision is $\square$ AFFIRMED $\boxtimes$ REVERSED for the reasons stated on the record.							
☐ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:							

- 1. Initiate reinstatement of Claimant's FAP case, effective May 1, 2013, if Claimant is otherwise eligible for FAP benefits.
- Issue FAP supplements, in accordance with Department policy.

Susan C. Burke

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

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Date Signed: May 7, 2013

Date Mailed: May 8, 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 <u>MAY</u> 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

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