

4. On May 14, 2013, the Department sent notice of the
 - denial of Claimant's application.
 - closure of Claimant's case.
 - reduction of Claimant's benefits.

5. On May 23, 2013, Claimant filed a hearing request, protesting the
 - denial of Claimant's application.
 - closure of Claimant's case.
 - reduction of Claimant's benefits.

CONCLUSIONS OF LAW

Department policies are found 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, *et seq.*, and 1997 AACS R 400.3001-3015

Additionally, the evidence produced at the hearing indicated that the Claimant was hospitalized during the period that the Redetermination was requested and was hospitalized for several weeks. The Claimant was in the hospital for an extended period and credibly testified that he had several toes amputated. The redetermination was sent to the Claimant on [REDACTED] and the Claimant was hospitalized beginning [REDACTED] and did not return the redetermination when due. A notice of missed interview was also sent but not received by the Claimant. Because the Claimant's FAP case was closed for failure to complete a redetermination, no notice of case action was sent to the Claimant. BAM 220 and BAM 210 pp. 2 (7/1/13).

In this case it is determined that the Claimant had no ability to respond to the redetermination in a timely manner as he was not walking well and lost some of his toes and was hospitalized during much of the period. Additionally, the Claimant credibly testified that his phone was stolen in the hospital and thus he effectively had no way to contact the Department. The Claimant did contact his case worker about concerns for his medical bills due to the hospitalization as he received a notice of case action regarding the medical assistance closure, however, no such notice was required for the FAP closure. Once the Department was aware of the hospitalization which was prior to the end of the redetermination period on [REDACTED] under these facts the Department should have determined that the Claimant was in the hospital for much of the period he was required to respond to the redetermination and thus could not have done so, and reinstated the Claimant's FAP case as he had no ability to complete the redetermination. Under these facts it is determined that the Claimant did not indicate a refusal to provide a verification. BAM 130, pp5. (5/1/12). Under these circumstances it

is determined that the Claimant's case should not have closed as he had no intention not to cooperate or provide responses to the 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
 properly improperly

- closed Claimant's case.
- denied Claimant's application.
- reduced Claimant's benefits.

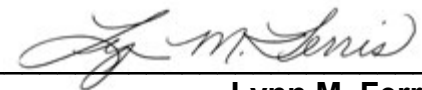
DECISION AND ORDER

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 decision is AFFIRMED 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. The Department shall initiate reinstatement of the Claimant's FAP case retroactive to June 1, 2013 and shall re-process a redetermination for completion by the Claimant and determine ongoing eligibility.
2. The Department shall issue a FAP supplement to the Claimant for FAP benefits, if any, the Claimant was otherwise entitled to receive in accordance with DHS policy.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 3, 2013

Date Mailed: July 3, 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,
 - 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

LMF/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]