

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

**IN THE MATTER OF:**



Reg. No.: 201339844  
Issue No.: 3002  
Case No.: [REDACTED]  
Hearing Date: May 2, 2013  
County: Sanilac

**ADMINISTRATIVE LAW JUDGE:** Susanne E. Harris

**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 2, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included Hearings Coordinator, [REDACTED].

**ISSUE**

Did the Department properly determine that the Claimant could not receive Food Assistance Program (FAP) benefits for the month of February 2013?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant was an ongoing recipient of monthly FAP benefits in the amount of 78.00.
2. The Claimant's DHS-1010, Redetermination Form was due on January 3, 2013, and the Claimant did not return it by that date.
3. On January 31, 2013, the Claimant's FAP case closed.
4. On February 26, 2013, the Claimant reapplied for benefits.
5. On March 27, 2013, the Department sent the Claimant a DHS-1605, Notice of Case Action informing him that he was approved for FAP for February of 2013,

but no benefits would be issued to him, as he was not approved until February 26, 2013 and the prorated amount for the month was less than [REDACTED]

6. On April 2, 2013, the Department received the Claimant's written hearing request protesting the Department's determination that he does not receive a FAP allotment for the month of February.

### **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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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, R 400.3001 through R 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through R 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98

and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

Though the Claimant was protesting not receiving a FAP allotment for the month of February, during the hearing his testimony indicated that he felt his case should not have been closed in the first instance. The Claimant testified that he faxed the DHS-1010, Redetermination Form to the Department twice, but unfortunately, he had retained no confirmation of either fax. In this case, the Department's testimony and exhibits establish that the Department did not receive the Claimant's DHS-1010, Redetermination Form. That conclusion is consistent with the telephone reminders to the Claimant to submit the DHS-1010, Redetermination Form which are documented in the record. The Claimant testified that he is not sure if there was a problem with the faxes and that his memory is not very good. Furthermore, there is no fax confirmation sheet, which the Administrative Law Judge finds to be odd as the Claimant maintained that his first fax must have failed. It would be logical to therefore obtain confirmation of the second fax sent. The Administrative Law Judge finds the Claimant's testimony to be less than credible and concludes that the Department never did receive the DHS-1010, Redetermination Form.

The Claimant also argued that the Department should have just used the information on his SER application filed on January 18, 2013 to process his redetermination. The Hearing Coordinator present at the hearing was asked why the Department could not simply use that form and she cited Bridges Administrative Manual (BAM) 210 (2012) p. 2, which provides that the redetermination process begins when the client files a DHS-1171, Assistance Application, DHS-1010, Redetermination, DHS-1171, Filing form, DHS-2063B, Food Assistance Benefits Redetermination Filing Record, or other redetermination form. The Administrative Law Judge further researched Departmental policy and could find nothing that would permit a Claimant to complete a redetermination by filing an SER application. BAM 210 pp. 8, 9 provide that a redetermination/review is complete when all sections of the redetermination form, including the signature section are completed. If the redetermination is not completed and logged in by the last working day of the redetermination month, Bridges closes the FAP case. Therefore, when the Department took action to close the Claimant's FAP case, the Department was acting in accordance with its policy.

It is not contested that the Claimant reapplied for FAP on February 26, 2013 and he was approved from that day forward, but received no FAP allotment for the month of February. This is the issue that the Claimant's hearing request addresses. The great majority of the discussion at hearing, however, was regarding the closure of the Claimant's FAP case in the first instance, ergo, the above discussion. Bridges Administrative Manual (BAM) 115 (2013) p. 21 provides that the FAP begin date in the Claimant's case is the application date if the group is eligible for the application month, even if proration causes zero benefits. In this case, the Claimant was eligible for a monthly FAP allotment of [REDACTED] Bridges Eligibility Manual (BEM) 556 (2011) p. 5 provides for the following formula:

Multiply the monthly benefits by the number of days remaining in the month including the application date. Divide this amount by the total number of days in the month. Drop cents. If the amount is less than [REDACTED], the FAP group will **not** receive an initial benefit. (This applies to initial benefits only.)

When applying this formula to the Claimant's case, his prorated allotment for February of 2013 would be [REDACTED]. Therefore, when the Department determined that the Claimant would not receive a FAP allotment for February of 2013, the Department was acting in accordance with its policy.

### **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 when determining that the Claimant would not receive a FAP allotment for the month of February 2013.  did not act properly.

Accordingly, the Department's  AMP  FIP  FAP  MA  SDA  CDC 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:

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/s/  
Susanne E. Harris  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: May 3, 2013

Date Mailed: May 6, 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

SEH/tb

cc:

