

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201339877
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: [REDACTED]
County: Monroe DHS (00)

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 [REDACTED] from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

FINDINGS OF FACT

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

1. The Claimant was an ongoing Food Assistance Program (FAP) recipient until [REDACTED].
2. The Claimant submitted an Application for Benefits (DHS-1711) on [REDACTED].
3. On [REDACTED], the Department sent the Claimant a Semi-Annual Contact Report (DHS-1046) with a due date of [REDACTED].
4. The Department approved the Claimant for Family Independence Program (FIP) benefits on [REDACTED].
5. On [REDACTED], the Department notified the Claimant that it would close her Food Assistance Program (FAP) benefits as of [REDACTED].

6. In [REDACTED], the Claimant requested a hearing to protest the closure of her Food Assistance Program (FAP) benefits.
7. On [REDACTED], the Claimant withdrew her hearing request.
8. The Department failed to implement a help desk ticket and issue a Food Assistance Program (FAP) supplement for Food Assistance Program (FAP) benefits as of [REDACTED].
9. The Department received the Claimant's request for a hearing on [REDACTED], protesting the closure of Food Assistance Program (FAP) benefits as of [REDACTED].

CONCLUSIONS OF LAW

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, R 400.3001 through Rule 400.3015.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (March 1, 2013), p 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Department of Human Services Bridges Assistance Manual (BAM) 130 (May 1, 2012), p 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Send a negative action notice when:

- The client indicates refusal to provide a verification, or
- The time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130.

In this case, the Claimant was an ongoing Food Assistance Program (FAP) recipient. On [REDACTED] the Claimant submitted an Application for Benefits (DHS-1171). On [REDACTED], the Department sent the Claimant a Semi-Annual Contact Report (DHS-1046) with a due date of [REDACTED]. The Department approved the Claimant for Family Independence Program (FIP) benefits on [REDACTED]. On

[REDACTED], the Department notified the Claimant that it would close her Food Assistance Program (FAP) benefits as of [REDACTED]

On [REDACTED], the Claimant requested a hearing to protest the closure of her Food Assistance Program (FAP) benefits. On [REDACTED], the Claimant withdrew her hearing request. The Department failed to implement a help desk ticket and issue a Food Assistance Program (FAP) supplement for Food Assistance Program (FAP) benefits as of [REDACTED]. The Department received the Claimant's request for a hearing on [REDACTED] protesting the closure of Food Assistance Program (FAP) benefits as of [REDACTED].

The Department does not dispute that the information provided to the Department on [REDACTED], was sufficient to determine her eligibility to remain in the Food Assistance Program (FAP) program.

However, the Department refused to issue a supplement of Food Assistance Program (FAP) benefits due to the length of time between the Claimant's Application for Benefits (DHS-1171) and the date that the Semi-Annual Contact Report (DHS-1046) was issued.

This Administrative Law Judge is not aware of any basis in Department policy for determining that the [REDACTED], was too old to use for a Semi-Annual Contact Report (DHS-1046) issued on [REDACTED], and due on [REDACTED].

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Department had all of the required information to determine the Claimant's continued eligibility to receive Food Assistance Program (FAP) benefits on [REDACTED]. This Administrative Law Judge finds that the Claimant did not refuse to provide verification of her circumstances, and by submitting an Application for Benefits (DHS-1171), made a reasonable effort to provide the required information.

Therefore, this Administrative Law Judge finds that the Department has failed to establish that it properly closed the Claimant's Food Assistance Program (FAP) as of [REDACTED].

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to establish that it properly closed the Claimant's Food Assistance Program (FAP) benefits as of [REDACTED]

The Department's Food Assistance Program (FAP) eligibility determination is **REVERSED**.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a determination of the Claimant's eligibility for the Food Assistance Program (FAP) as of [REDACTED].

2. Provide the Claimant with a Notice of Case Action (DHS-1605) describing the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits that the Claimant may be eligible to receive, if any.

Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: _____

Date Mailed: _____

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

2013-39877/KS

KS/kl

cc:

