

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

IN THE MATTER OF:



Reg. No.: 201344926
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: June 4, 2013
County: Kent

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on June 4, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) on December 31, 2012?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of Food Assistance Program (FAP) benefits. Claimant was due for a re-determination of her eligibility by December 31, 2012 because that was the last date of her certified eligibility period.
- (2) On November 30, 2012, Claimant was sent a Redetermination Form (DHS-1010) which was due on December 17, 2012 and scheduled an interview the same day.
- (3) On December 17, 2012, the Department had not received the Redetermination Form (DHS-1010). Claimant was sent a Notice of Missed Appointment (DHS-254) form which stated it was her responsibility to re-schedule the interview by December 31, 2012 or her re-determination would be denied.

- (4) On December 26, 2012, Claimant returned her Redetermination Form (DHS-1010). On the form Claimant reported a new address. All subsequent communications from the Department were sent to the new address.
- (5) On December 28, 2012, Claimant was sent a Verification Checklist (DHS Form 3503) requesting verification of her [REDACTED]. The verification was due on January 7, 2013.
- (6) On December 31, 2012, Claimant's Food Assistance Program (FAP) was closed.
- (7) On January 7, 2013, the Department had not received the requested verification of Claimant's savings account.
- (8) On January 28, 2013, a telephone interview was completed with Claimant for re-determining her Food Assistance Program (FAP) eligibility.
- (9) On January 30, 2013, Claimant was sent a Verification Checklist (DHS Form 3503) requesting verification of her [REDACTED]. The verification was due February 11, 2013.
- (10) On April 25, 2013, Claimant submitted a request for hearing.

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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case the delay in receiving and processing Claimant's re-determination is attributable to Claimant, not the Department. The Redetermination Form (DHS-1010) was sent to the last reported address Claimant provided to the Department. Department of Human Services Bridges Administration Manual (BAM) 210 (2012) page 14 states that a Food Assistance Program (FAP) group loses their right to uninterrupted FAP benefits if they fail to do any of the following: file the FAP redetermination by the timely filing date; participate in the scheduled interview; submit verifications timely, provided the requested submittal date is **after** the timely filing date. Claimant failed to do all three. Therefore, termination of her Food Assistance Program (FAP) benefits on December 31, 2012 was a correct action in accordance with Department policy.

None of the subsequent processing activity would have made Claimant eligible for Food Assistance Program (FAP) benefits beginning January 1, 2013. If Claimant had provided all necessary verifications for a Food Assistance Program (FAP) eligibility determination, she could have begun receiving benefits on the day all required verifications were received. That did not occur either.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Food Assistance Program (FAP) on December 31, 2012.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 6/14/13

Date Mailed: 6/14/13

NOTICE: Administrative Hearings 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. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

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.

GFH/tb

cc:

