

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

**IN THE MATTER OF:**



Reg. No.: 2013-37113  
Issue No.: 2000, 3008  
Case No.: [REDACTED]  
Hearing Date: June 24, 2013  
County: Wayne (82-15)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 June 24, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**ISSUE**

Did the Department properly close Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) cases?

**FINDINGS OF FACT**

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

1. Claimant was an ongoing recipient of FAP and MA benefits but stopped receiving FAP benefits after October 2012.
2. In February 2013, the Department sent Claimant a redetermination to determine her ongoing eligibility for FAP and MA benefits.
3. On March 4, 2013, the Department sent Claimant a Notice of Missed Interview advising her that her FAP redetermination was due to close March 31, 2013, unless she rescheduled her redetermination interview.

4. On March 18, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP and MA cases were closing because she had failed to submit a completed redetermination.
5. On March 26, 2013, Claimant filed a request for hearing disputing the Department's actions concerning her FAP and MA cases.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services 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 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.

Additionally, Claimant requested a hearing concerning her FAP and MA cases. At the hearing, however, the Department established that Claimant's children's MA cases under the Other Healthy Kids (OHK) programs had been reinstated. Claimant testified that her concerns regarding the children's MA coverage were resolved to her satisfaction, and she wished to continue the hearing only with respect to her FAP case. Therefore, the MA hearing request is dismissed.

The evidence at the hearing established that, after her October 2012 FAP issuance, Claimant did not receive ongoing monthly benefits. After researching the issue during the hearing, the Department worker was able to determine that the Department had sent Claimant a Verification Checklist (VCL) on November 2, 2012, requesting missing paystubs by November 13, 2012. Although the Department testified that no response was received from Claimant, it did not issue FAP benefits to Claimant or notify her of the closure of her FAP case until after it processed her redetermination in March 2013 and then sent her the March 27, 2013, Notice of Case Action informing her that she was entitled to \$223 in FAP benefits for the month of November 2012 and her case closed effective December 1, 2012. However, the Department is required to send a client a negative action notice when the time period given to a client to provide verifications has elapsed and the client has not made a reasonable effort to provide the verifications. BAM 130 (May 2012), p. 5. A Department action to terminate a benefit is a negative

action requiring that the Department provide timely notice of its action to the client. BAM 220 (November 2012), pp. 1, 3-4. A timely notice is mailed to the client at least 11 days before the intended action takes effect to provide the client a chance to react to the proposed action. BAM 220, pp. 3-4. In this case, the Department did not act in accordance with Department policy when it failed to notify Claimant of the December 1, 2012, closure of her FAP case for failure to respond to a VCL until March 27, 2013.

It is further noted that Claimant's redetermination submitted in March 2013 concerned her ongoing eligibility for FAP and MA. The Department testified that Claimant ultimately submitted all of the verifications necessary to process her redetermination. Therefore, the Department had the information necessary to determine Claimant's ongoing eligibility for FAP benefits at the time it processed her redetermination. Therefore, the Department did not act in accordance with Department policy when it did not complete the redetermination process for Claimant's FAP case. See BAM 210 (November 2012), pp. 12-15.

### **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 not act in accordance with Department policy when it closed Claimant's FAP case effective December 1, 2012.

Accordingly, the Department's decision is REVERSED.

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

1. Reinstate Claimant's FAP case as of December 1, 2012;
2. Begin recalculating Claimant's FAP budget for December 1, 2012, to March 31, 2013, provided Claimant provides any requested verifications;
3. Begin recalculating Claimant's FAP budget for April 1, 2013, ongoing based on the completed March 2013 redetermination and verifications Claimant provided in connection with the redetermination;
4. Issue supplements to Claimant for FAP benefits she was eligible to receive but did not from December 1, 2012, ongoing;
5. Notify Claimant in writing of its decision; and
6. Complete each of the preceding steps in accordance with Department policy.



**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: June 26, 2013

Date Mailed: June 26, 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,
  - 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

ACE/pf

cc:

