

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

IN THE MATTER OF:



Reg. No.: 2013-51525
Issue No.: 3022
Case No.: [REDACTED]
Hearing Date: July 3, 2013
County: Wayne DHS (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 July 3, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Manager.

ISSUE

The issue is whether the Department properly terminated Claimant's Food Assistance Program (FAP) benefit eligibility due to a failure by Claimant to return redetermination documents.

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 FAP benefit recipient.
2. In 2/2013, DHS mailed Claimant a Redetermination concerning FAP eligibility.
3. Claimant failed to return the Redetermination and/or required verification documents.
4. Claimant's FAP benefits expired, effective 4/2013, due to the failure by Claimant to return the Redetermination and/or verification documents.

5. On 5/21/13, Claimant requested a hearing to dispute the termination of FAP benefits.

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 Mich Admin Code, R 400.3001 through R 400.3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant's Request for Hearing was submitted to DHS on 5/21/13. As of the Request for Hearing date, Claimant had reapplied for FAP benefits (on 4/25/13) after DHS terminated her eligibility effective 4/2013. Claimant testified that she requested a hearing intending to dispute the FAP benefit termination, effective 4/2013. It was challenging to interpret Claimant's intention from the hearing request form which: alluded to an income dispute, specified a rent expense obligation and was most closely related in time to a subsequent application by Claimant. Despite many deficiencies, Claimant's Request for Hearing was interpreted as giving notice of a FAP benefit termination dispute.

It was not disputed that Claimant's dispute involved a FAP benefit redetermination. DHS presented testimony that Claimant's FAP eligibility ended after Claimant failed to return a Redetermination prior to the end of 3/2013.

The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. BAM 210 (5/2012), p. 5. For FAP, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. *Id.*, p. 3. If the client does not complete the redetermination process, DHS is to allow the benefit period to expire. *Id.*, p. 2.

Claimant testified that she timely returned a Redetermination and verifications to DHS—some were dropped off and some were mailed. Claimant testified that she could not remember a date for her submissions, but she stated that she was sure that she submitted the documents prior to her interview. Claimant had no verification for her contention. Claimant's testimony would have been bolstered had her hearing request noted that she returned the documents to DHS; as it happened, Claimant's hearing request did not note a return of documents by Claimant. Claimant's testimony would have also been bolstered had she not waited until 5/25/13 to raise a benefit dispute when she should have been aware of a benefit termination, presumably no earlier than the 4/25/13 application.

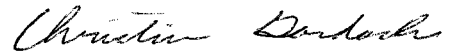
DHS presented testimony that Claimant's redetermination was not logged in by the DHS office as being received. This was supportive evidence that Claimant did not timely return redetermination documents.

DHS also presented testimony that their office recorded all client document submissions. The testifying DHS specialist stated that a check of client's submissions revealed that the last submission from Claimant was a State Emergency Relief application from 1/2013.

Based on the presented evidence, it is found that Claimant failed to timely return a Redetermination. Accordingly, the FAP benefit termination was proper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FAP eligibility, effective 4/2013. The actions taken by DHS are AFFIRMED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 7/10/2013

Date Mailed: 7/10/2013

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

2013-51525/CG

CG/hw

cc:

