

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

**IN THE MATTER OF:**



Reg. No.: 201355879  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: July 31, 2013  
County: Wayne County (#15)

**ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE**

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's June 21, 2013 request for a hearing. After due notice, a telephone hearing was conducted on Wednesday July 31, 2013, from Detroit, Michigan. The Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Eligibility Specialist).

**ISSUE**

Due to a failure to comply with the verification requirements, did the Department properly  close Claimant's case benefits for:

- |  |   |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)?        | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)?  |
| <input type="checkbox"/> Medical Assistance (MA)?                  |   |

**FINDINGS OF FACT**

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

1. The Claimant was an ongoing FAP recipient.
2. On February 12, 2013, the Department sent the redetermination packet to the Claimant, with a due date of March 4, 2013.
3. The Claimant failed to submit the requested information, resulting in a Notice of Missed Interview being sent to the Claimant.
4. The Department did not receive the Claimant's information prior to March 31, 2013.

5. On April 1, 2013, the Claimant's FAP benefits terminated based on the failure to complete the redetermination process.
6. On June 21, 2013, the Department received the Claimant's written request for hearing protesting the termination of FAP benefits.

### **CONCLUSIONS OF LAW**

The Department of Human Services (DHS) policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the 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 1997 AACS R 400.3001-3015

Clients must cooperate in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 (September 2012), p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 (May 2012), p. 1. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verification(s). BAM 130 For FAP and MA purposes, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210 (November 2012). FAP clients have until the last day of the redetermination month or 10 days, whichever is later, to provide verification. BAM 210, p. 2. A FAP group loses the right to uninterrupted benefits if it fails to participate in the scheduled interview, submit the required verifications, or complete the application by the 15<sup>th</sup> of the redetermination month. BAM 210, p. 14.


In this case, the Department sent a redetermination packet to the Claimant with a due date of March 4, 2013. Claimant received the information but failed to submit the packet by the due date. As a result, the Department sent a Notice of Missed Interview. Claimant testified that he spoke with a Department worker either a week or two after the interview date and was not requested to submit any necessary documentation. He did not submit any documentation by March 31, 2013 and, thus, the benefits terminated in accordance with department policy.

Accordingly, the Department's action is UPHeld.

**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 established it did act properly when it terminated the Claimant's FAP benefits for failing to complete the redetermination process.

Accordingly, the Department's decision is hereby, **AFFIRMED**.

  
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**Michelle Howie**  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: 8/7/2013

Date Mailed: 8/7/2013

**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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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

MH/hw

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cc:

