

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

IN THE MATTER OF:

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Reg. No.: 2013-59052
Issue No.: 3008
Case No.: ██████████
Hearing Date: August 15, 2013
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 August 15, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, and ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████, Family Independence Specialist.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits effective July 1, 2013, ongoing, due to her failure to submit the redetermination?

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 benefits. See Exhibit 1.
2. On May 14, 2013, the Department sent Claimant a redetermination, which was due back by June 3, 2013. Exhibit 1.
3. On June 3, 2013, Claimant was also scheduled for a phone interview.
4. On June 3, 2013, Claimant missed her scheduled interview and the Department sent Claimant a Notice of Missed Interview letter that same day. Exhibit 1.

5. Claimant never submitted the redetermination by the due date or by the end of the FAP benefit period.
6. Effective July 1, 2013, ongoing, Claimant's FAP benefits closed due to her failure to submit a completed redetermination. See Exhibit 1.
7. On July 11, 2013, Claimant filed a hearing request, protesting her FAP case closure. Exhibit 1.

CONCLUSIONS OF LAW

Department policies are contained 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 Mich Admin Code, R 400.3001 through R 400.3015.

As a preliminary matter, on July 20, 2013, the Department sent Claimant a Notice of Case Action notifying her that her Medical Assistance (MA) benefits closed effective August 1, 2013, ongoing, due to her failure to submit a redetermination. Exhibit 1. Claimant also wanted to protest her MA closure. However, Claimant failed to address this issue in her hearing request. See Exhibit 1. Also, the Notice of Case Action is dated subsequent to her hearing request date. See Exhibit 1. This hearing decision cannot address any subsequent Notice of Case Actions after the hearing request date. Thus, Claimant will have to file another hearing request to dispute her MA closure. See BAM 600 (July 2013), pp. 3-4.

In this case, Claimant was an ongoing recipient of FAP benefits. See Exhibit 1. On May 14, 2013, the Department sent Claimant a redetermination, which was due back by June 3, 2013. Exhibit 1. On June 3, 2013, Claimant was also scheduled for a phone interview. On June 3, 2013, Claimant missed her scheduled interview and the Department sent Claimant a Notice of Missed Interview letter that same day. Exhibit 1. Claimant never submitted the redetermination by the due date or by the end of the FAP benefit period which was June 30, 2013. Effective July 1, 2013, ongoing, Claimant's FAP benefits closed due to her failure to submit a completed redetermination. See Exhibit 1.

Clients must cooperate with the local office in completing necessary forms for determining initial and ongoing eligibility. BAM 105 (March 2013), p. 5.

A complete redetermination is required at least every 12 months. BAM 210 (November 2012), p. 1. For FAP cases, an interview is required before denying a redetermination even if it is clear from the DHS-1010/1171 or other sources that the group is ineligible. BAM 210, p. 3. If the client misses the interview, [the Department] sends a DHS-254, Notice of Missed Interview. BAM 210, p. 3. FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 2. If the client does not complete the redetermination process, the Department allows the benefit period to expire. BAM 210, p. 2. For FAP cases, if the redetermination packet is not logged in by the last working day of the redetermination month, the Department automatically closes the EDG. BAM 210, p. 9. A DHS-1605, Notice of Case Action, is not generated. BAM 210, p. 9.

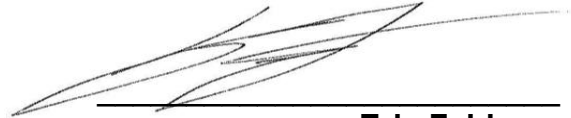
At the hearing, the Department testified that it never received the redetermination. Thus, it closed Claimant's FAP benefits. Claimant testified that she did receive the redetermination. Claimant also testified that she submitted the redetermination in her local DHS office one week prior before its due date. Claimant testified that she signed the logbook. Thus, during the hearing, the Department obtained the logbook to verify if whether Claimant submitted the redetermination. Both the Department and Claimant reviewed the logbook and did not discover any signature/submission of a redetermination for the time period of 5/20/2013 – 6/4/2013. It should be noted that both parties testified that the logbook was out of order regarding the dates. However, it should also be noted, that both parties were given substantial time during the hearing to review whether she submitted a redetermination. Finally, Claimant testified she kept calling her caseworker multiple times requesting assistance and/or verifying if the Department received the redetermination. Exhibit 1. Claimant testified that she never received any phone calls back. Exhibit 1. Claimant's caseworker was not present for the hearing to rebut the testimony.

Based on the foregoing information and evidence, the Department properly closed Claimant's FAP benefits effective July 1, 2013, ongoing, in accordance with Department policy. First, Claimant testified that she submitted the redetermination at her local DHS office and signed the logbook. However, both Claimant and the Department reviewed the logbook and discovered no submissions. Second, the Department credibly testified that it did not receive the completed redetermination. BAM 210, p. 2. Claimant failed to complete the necessary forms to determine her ongoing FAP eligibility. BAM 105, p. 5.

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 properly closed Claimant's FAP benefits effective July 1, 2013, ongoing.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 23, 2013

Date Mailed: August 23, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

EJF/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]