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.: Issue No.: Case No.: Hearing Date: County:	2013-59558 3008 August 21, 2013 Wayne (82-19)		
ADMINISTRATIVE LAW JUDGE: Michael J. Bennane				
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 21, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the claimant. Participants on behalf of the Department of Human Services (Department) included				
<u>ISSUE</u>				
Did the Department properly \square deny Claimant's application \boxtimes close Claimant's case for:				
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)? ☐	☐ Adult Medical Assistance (AMP)?☐ State Disability Assistance (SDA)?☐ Child Development and Care (CDC)?			
FINDINGS OF FACT				
The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:				
Claimant ☐ applied for benefits ☒ received benefits for:				
☐ Family Independence Program (FIP). ☐ Food Assistance Program (FAP). ☐ Medical Assistance (MA).		esistance (AMP). Assistance (SDA). ent and Care (CDC).		

 On December 1, 2012, the Department ☐ denied Claimant's application ☐ closed Claimant's case due to failure to comply with PATH.
 On July 22, 2013, Claimant filed a hearing request, protesting the ☐ denial of the application.
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 implemented by the federal regulations contained in Title 7 of the Code of Federa Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, <i>et seq.</i> , and 1999 AC, Rul 400.3001 through Rule 400.3015.
At the hearing, the Department was unable to provide dates upon which Claimant was denied FAP benefits or explain why Claimant was denied FAP benefits well past thone month penalty period.
Claimant cannot read or write and needs an interpreter to allow her to understand he duties under the Department's policies. BAM 105 (July 2013). Under Department policy, the Department must show "particular sensitivity to claimant's that are illiterate on not fluent in English." Here, Claimant was not only illiterate but not fluent in English Claimant testified that she called the Department numerous times for assistance and dinot receive a return call or assistance.
Based upon the above Findings of Fact and Conclusions of Law, and for the reason stated on the record, the Administrative Law Judge concludes that the Department
 □ properly denied Claimant's application □ properly closed Claimant's case □ improperly denied Claimant's application □ improperly closed Claimant's case
for:
DECISION AND ORDER
The Administrative Law Judge, based upon the above Findings of Fact and Conclusion of Law, and for the reasons stated on the record, finds that the Department did act properly.
Accordingly, the Department's \square AMP \square FIP \boxtimes FAP \square MA \square SDA \square CDC decision is \square AFFIRMED \boxtimes REVERSED for the reasons stated on the record.

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

1. Initiate reinstatement of claimant's FAP benefits back to December 1, 2012, when she was removed from her FAP group and supplement for missed benefits.

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

Date Signed: August 28, 2013

Date Mailed: August 28, 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

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MJB/pf

