

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201352368
Issue No.: 3023
Case No.: [REDACTED]
Hearing Date: August 14, 2013
County: Ingham

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 14, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] (Claimant's Authorized Hearing Representative (AHR)). Participants on behalf of the Department of Human Services (Department) included [REDACTED] (Family Independence Specialist) and [REDACTED] (Eligibility Specialist).

ISSUES

Did the Department properly close Claimant's Food Assistance Program (FAP) case?

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 active for FAP benefits at all times.
2. Sometime in January of 2013, Claimant's mother contacted the Mecosta County DHS and reported that, effective immediately, Claimant was leaving Mecosta County and relocating to [REDACTED], Michigan [REDACTED].
3. Claimant's new address is located in Clinton County.
4. The Mecosta County DHS transferred Claimant's FAP case to Ingham County.

5. On April 19, 2013, the Department mailed Claimant a Notice of Case Action (DHS-1605) which closed Claimant's FAP case effective May 1, 2013.¹
6. On June 3, 2013, Claimant's AHR filed a hearing request, protesting the closure of Claimant's FAP case.

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 1999 AC, Rule 400.3001 through Rule 400.3015.

A "transfer" is a change in the county or district responsible for processing an application or providing ongoing maintenance. BAM 305. A case record is generally transferred to another local office when:

- A group moves within the state to an area served by a different county or district office, or
- The case must be serviced in a different county or district office for administrative reasons. BAM 305.

Requests for transfer can be recorded on ASSIST by any DHS staff member with access to the transfer request (TRNREQ) screen in either the transfer-out or the transfer-in local office. However, each local office must have a case transfer unit (CTU) to process the actual transfer of control to another office. You must:

- Prepare the electronic and physical case record for transfer, **and**
- Forward the case record to the CTU within 10 workdays after the later of:
 - The date the transfer is requested, or
 - The actual date the group moves. BAM 305.

For all programs, BEM 305 provides the following "transfer-out" procedures for specialist to follow. The specialist must enter the new address, new residence county or district, new service county or district, the date of the move, and if known, any changes in persons in the home on the transfer request (TRNREQ) screen. BAM 305.

The specialist must also complete all pending case actions possible within the 10-day limit. This includes maintenance that directly results from the move, recalculation of

¹ The Department did not include the entire Notice of Case Action (DHS-1605) which would have provided a reason for the FAP closure.

benefits, and update of CIMS, when necessary. If the group has reapplied for FAP and met all FAP redetermination requirements when it reports the move, **complete the FAP redetermination prior to transfer.** BAM 305.

The specialist shall also assemble the current physical case record and file all loose documents in the proper packets. Obsolete case record folders need not be transferred unless the transfer-in office requests them. Reconstruct the physical record if you cannot locate it. BAM 305.

BAM 305 also provides procedures for the county that accepts the transfer. This county shall **not** close or deny benefits **solely** because the client is unable to reverify information that has been coded as previously verified on ASSIST. BAM 305.

In this matter, the parties largely agree as to the salient facts. The Department representatives who attended the hearing indicated that Claimant's FAP case was closed because he failed to timely return a redetermination while at Mecosta County. There were no documents in the hearing record to support this contention; however, the Mecosta County DHS failed to send Claimant a Notice of Case Action (DHS-1605). Instead, the Mecosta County DHS took steps to transfer Claimant's FAP case to Ingham County. The Department failed to properly transfer Claimant's FAP case because Claimant relocated from Mecosta County to **Clinton County**. Based on information and belief, there are no policies that compel the Department to transfer a client's case to the correct county where he or she resides. This is a matter of common sense. Although the Department erred when it transferred Claimant to the incorrect county, this Administrative Law Judge will note that the City of [REDACTED] covers areas of Ingham, Eaton and Clinton Counties.

The Department failed to meet its burden of proof with regard to the reason for FAP closure. The Department did not include any documentation to support the notion that Claimant failed to return a redetermination form or failed to return any other verifications timely.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department improperly transferred Claimant's case to Clinton County and improperly closed Claimant's FAP case.

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 properly.

Accordingly, the Department's FAP 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. Initiate a proper transfer of Claimant's FAP case to the correct county per BAM 305.
2. Initiate a redetermination of Claimant's FAP case and redetermine Claimant's FAP benefits back to May 1, 2013.
3. To the extent required by policy, the Department shall provide Claimant with retroactive and/or supplemental FAP benefits.

IT IS SO ORDERED.

/s/ _____
C. Adam Purnell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 19, 2013

Date Mailed: August 20, 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.

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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

CAP/aca

cc:

