

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201357238  
Issue No.: [REDACTED]  
Case No.: [REDACTED]  
Hearing Date: August 13, 2013  
County: St Joseph

**ADMINISTRATIVE LAW JUDGE:** Gary F. Heisler

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on August 13, 2013. Claimant appeared and testified. The Department was represented by ES Williams and AP Sup Fuller. During this hearing Claimant testified that the Medical Assistance (MA) and State Emergency Relief (SER) issues had been resolved. The Medical Assistance (MA) and State Emergency Relief (SER) portions of this hearing are dismissed.

**ISSUE**

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) on April 30, 2013, for failure to provide required information and verifications?

**FINDINGS OF FACT**

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

- (1) Claimant was an ongoing recipient of Food Assistance Program (FAP) benefits. Claimant's FAP was due for eligibility re-determination by April 30, 2013.
- (2) On March 12, 2013, Claimant was sent a Redetermination Form (DHS-1010) and a Redetermination Telephone Interview (DHS-574) notice. The 1010 and associated proofs were due back on April 4, 2013, which was also the date of the scheduled telephone interview.

- (3) On March 18, 2013, Claimant was sent a New Hire Client Notice (DHS-4635) which was due back on March 28, 2013.
- (4) On March 28, 2013, the New Hire Client Notice (DHS-4635) had not been returned to the Department.
- (5) On April 4, 2013, the Redetermination Form (DHS-1010) and associated proofs had not been returned to the Department. Claimant was sent a Notice of Missed Appointment (DHS-254) form which stated she had to reschedule the required interview before April 30, 2013, or her Food Assistance Program (FAP) re-determination would be denied.
- (6) On April 30, 2013, none of the required information or verifications had been received by the Department. Claimant's Food Assistance Program (FAP) closed.
- (7) On June 18, 2013, Claimant submitted a new application for Food Assistance Program (FAP) and provided all required information and verifications.
- (8) On June 19, 2013, Claimant was sent notice of her approved amount of Food Assistance Program (FAP) benefits.
- (9) On June 27, 2013, Claimant submitted a request for hearing.

### **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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this request for hearing Claimant asserts that she applied again in April so she should get Food Assistance Program (FAP) benefits for May and the first part of June. During this hearing Claimant did not dispute the fact that the Department never received the required information and verifications. Claimant testified that she: never received the Redetermination Form (DHS-1010); gave the New Hire Client Notice (DHS-4635) to her employer; and received the Notice of Missed Appointment (DHS-254) form and called her case worker several times in April trying to reschedule the interview. The Department presented the incoming call log of Claimant's case worker showing all calls from Claimant's telephone number. When asked, Claimant testified that she had borrowed phones to call her case worker before she got the phone number searched for. When specifically asked, Claimant testified that she got the telephone number searched for in the middle of April. The phone log showed only two calls from the number Claimant reported as of April 15, 2013, May 1 & 30, 2013.

Claimant's testimony that she called her case worker several times in April is not found credible. The Department's closure of her Food Assistance Program (FAP) on April 30, 2013 was a correct action in accordance with Department policy.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Food Assistance Program (FAP) on April 30, 2013, for failure to provide required information and verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/  
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Gary F. Heisler  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 08/19/2013

Date Mailed: 08/19/2013

**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 receipt 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 effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

201357238/GFH

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

GFH/sw

cc:

