

**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.: 2014-6214  
Issue No.: 3008  
Case No.: ██████████  
Hearing Date: November 18, 2013  
Wayne County DHS (18)

**ADMINISTRATIVE LAW JUDGE:** Colleen M. Mamelka

**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 telephone hearing was conducted from Detroit, Michigan on Monday, November 18, 2013. Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was ██████████.

**ISSUE**

Whether the Department properly terminated Claimant's Food Assistance Program ("FAP") benefits effective October 1, 2013?

**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 FAP recipient.
2. In September, Claimant submitted his redetermination packet which listed a group member who had earnings from employment.
3. On September 12, 2013, the Department sent a Verification Checklist to Claimant requesting in part, 30 days of check stubs or earning statements from the group member.

4. On September 23, 2013, Claimant provided verification of child support to the Department.
5. On September 30, 2013, the Department sent a Notice of Case Action to Claimant informing him that his FAP benefits were closing as of October 1, 2013, based on the failure to submit the requested verifications.
6. Claimant's FAP benefits terminated October 1, 2013.
7. On October 8, 2013, the Department received Claimant's request for hearing.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

The Food Assistance Program, formerly known as the Food Stamp 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. The Department, formerly known as the Family Independence Agency, administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3001 through 400.3015.

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 (July 2013), p. 5. For FAP purposes, benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is certified. BAM 210 (July 2013), p. 2. If the client does not complete the redetermination process, benefits expire at the end of the benefit period. BAM 210, p. 2. Verifications must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. BAM 201, p. 14. The FAP group loses its right to uninterrupted FAP benefits if it fails to submit verifications timely. BAM 210, p. 17. If the client takes the required action within 30 days after the end of the benefit period, the redetermination application is re-registered using the date client completed the process. BAM 210, p. 18.

In this case, a Claimant submitted a redetermination to the Department. Included was information regarding an individual living with Claimant who had earnings from employment. The Department sent a Verification Checklist to Claimant requesting 30 days of check stubs or earning from the newly identified individual as well as current child support information. The verifications were due on September 23, 2013. On September 23<sup>rd</sup>, Claimant submitted documentation regarding his child support but not income information regarding the individual he lived with. As such, the Department was unable to complete the redetermination process and benefits terminated at the end of that benefit period.

On October 21, 2013, Claimant provided one paystub from the individual living with him. This did not satisfy what was requested (30 days of paystubs or earning statements) therefore, FAP benefits were not reinstated. Ultimately, the Department established it acted in accordance with Department policy when it terminated Claimant's FAP benefits as of October 1, 2013, based on Claimant's failure to timely submit requested verifications that were necessary to determine Claimant's continued ongoing FAP eligibility.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds the Department established it acted in accordance with department policy when it terminated Claimant's FAP benefits as of October 1, 2013.

Accordingly, it is ORDERED:

The Department's FAP determination is AFFIRMED.

*Colleen M. Mamelka*

**Colleen M. Mamelka**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: November 25, 2013

Date Mailed: November 25, 2013

CMM/tm

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

**NOTICE OF APPEAL:** 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.

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).

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