

**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.: 2014-6465
Issue No.: 3008
Case No.: ██████████
Hearing Date: November 18, 2013
County: Wayne (82-57)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 18, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████ ██████████
██████████

ISSUE

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 an ongoing recipient of FAP benefits.
2. In connection with a FAP redetermination, the Department sent Claimant a Verification Checklist (VCL) on July 16, 2013, requesting verification of employment income by July 26, 2013.
3. Claimant's FAP case closed July 31, 2013, upon expiration of the FAP certification period.
4. In August 2013, Claimant requested a hearing concerning the closure of her FAP case but withdrew her hearing request on August 27, 2013.

5. On September 23, 2013, Claimant reapplied for FAP benefits and was approved.
6. On October 9, 2013, Claimant filed her second hearing request concerning the July 31, 2013, closure of her FAP case.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

Additionally, in its hearing summary in response to Claimant's October 9, 2013, hearing request, the Department addressed its approval of Claimant's September 23, 2013, FAP application. However, in her hearing request, Claimant expressed concerns about the closure of her FAP case on July 31, 2013. At the hearing, Claimant clarified that she was concerned about the Department's failure to issue FAP benefits to her between August 1, 2013, when she stopped receiving FAP benefits, and September 23, 2013, when she reapplied.

The Department explained that Claimant's FAP case closed on July 31, 2013, because she had failed to provide verifications requested in connection with her FAP redetermination. Clients must complete a redetermination to determine their continued eligibility for benefits at least every 12 months. BAM 210 (July 2013), p. 1. If the Department requests verifications in connection with processing the redetermination, the client must submit the verifications by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. BAM 210, p. 12. 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. No notice of case action is sent when the FAP certification period has expired. BAM 220 (July 2013), p. 4. However, if the client timely files an FAP redetermination application and if she takes the required action, such as providing requested verifications, within 30 days after the end of the benefit period, the Department is required to reregister the redetermination using the date the client completed the process and, if the client is eligible, prorate FAP benefits from the date the redetermination application was registered. BAM 210, pp. 14-15.

In this case, the Department testified that Claimant's FAP case closed because she failed to respond to a July 16, 2013, Verification Checklist (VCL) sent to her in connection with her FAP redetermination requesting proof of the last 30 days of earned income. Although Claimant testified that she had provided two biweekly paystubs with

her redetermination, the Department countered that it only had one paystub with the redetermination and sent the VCL because it needed one month's worth of earned income for the redetermination. Although Claimant contended she did not receive the VCL, at the hearing she reviewed a copy of the VCL the Department testified it sent her and confirmed that the VCL was addressed to her address of record. Under these facts, Claimant failed to provide credible, material and substantial evidence to rebut the presumption of receipt of a document sent in the Department's ordinary course of business. See *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270, 276; 241 NW2d 71 (1976).

Because Claimant did not respond to the VCL by the due date and before the expiration of the FAP certification period on July 30, 2013, the Department acted in accordance with Department policy when it closed Claimant's FAP case. Unfortunately, because the Department misinformed Claimant concerning the reason her FAP case had closed, Claimant was delayed in returning the requested verification to the Department. The Department credibly testified that it received two consecutive paychecks from Claimant on September 9, 2013. Because more than 30 days had elapsed from the end of the benefit period to the date the verifications were received, the Department was not required to reregister the redetermination as of September 9, 2013.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed Claimant's FAP case.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 21, 2013

Date Mailed: November 21, 2013

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

ACE/pf

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]