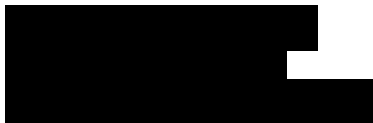


**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 201337144
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: April 25, 2013
County: Oakland 03

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 April 25, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) on January 31, 2013?

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 eligibility certification period ran until January 31, 2013.
- (2) On December 11, 2012, Claimant was mailed a Redetermination Form (DHS-1010) which was due in on January 2, 2013. The form also scheduled an appointment for 1:15 pm on January 2, 2013.
- (3) On January 2, 2013, Claimant dropped off the Redetermination Form (DHS-1010) at the DHS local office. The interview was not conducted because the form had not been routed to the DHS case worker by the time of the appointment. A Notice of Missed Appointment (DHS-254) form was automatically sent out to Claimant.

- (4) On January 31, 2013, Claimant's eligibility certification period ended and Claimant's continuing eligibility was not determined because no interview had been conducted.
- (5) On March 26, 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).

At this hearing Claimant testified that she called the DHS case worker on January 2, 2013 and left a message. Claimant also testified that she called the DHS case worker and left a message again when she received the Notice of Missed Appointment (DHS-254) form. There is no dispute that an interview did not occur before February 1, 2013. The Notice of Missed Appointment (DHS-254) form clearly states "It is now your responsibility to reschedule the interview before 01/31/2013 or your application/redetermination will be denied." Claimant's testimony that she called twice during the 29 days before her Food Assistance Program (FAP) closed is found credible. However, rescheduling the interview was Claimant's responsibility and calling twice during a 29 day period is not sufficient to shift the burden of rescheduling the interview onto the Department.

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 January 31, 2013.

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

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

Date Signed: 4/29/13

Date Mailed: 4/30/13

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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

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/tb



cc:

