

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

IN THE MATTER OF:



Reg. No.: 201345470
Issue No.: 3008
Case No.:
Hearing Date: June 3, 2013
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 June 3, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included , Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--------------------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input type="checkbox"/> Direct Support Services (DSS)? | |

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 Food Assistance Program (FAP) benefits.
2. On April 25, 2013, the Department sent Claimant a Notice of Case Action notifying her that, effective May 1, 2013, it would close her FAP case due to failure to verify requested information.

3. On May 3, 2013, Claimant filed a hearing request, protesting the 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), and Department of Human Services 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 Mich Admin Code, R 400.3001 through R 400.3015.

Additionally, the Department sent Claimant a April 25, 2013 Notice of Case Action closing her FAP case effective May 1, 2013, for failure to verify checking account information. On May 3, 2013, Claimant filed a request for hearing disputing the Department's action and requesting that her FAP benefits be continued at the current level pending the hearing.

At the hearing, the Department testified that the checking account verification was requested after Claimant's SOLQ (Single Online Inquiry) showed that Claimant's federal benefits were deposited in a checking account. Claimant had some difficulties understanding the Department's request because her federal benefits were actually deposited onto a debit card. However, the Department testified that Claimant was able to provide the requested verification on May 15, 2013. Because of the circumstances in this case, the Department agreed to reinstate Claimant's FAP case as of May 1, 2013. The Department presented a copy of the June 3, 2013 Notice of Case Action that would be sent to Claimant showing that it had reinstated Claimant's case and that she was eligible for \$104 in monthly FAP benefits based on her income for May 1, 2013, ongoing.

Claimant confirmed the terms of the Notice during the hearing but expressed concerns that her FAP case was closed because she could not get a Department worker to timely respond to her calls requesting assistance concerning the verifications requested. However, because the Department reinstated Claimant's FAP case effective May 1, 2013 (the date of closure) and Claimant would not receive a lapse in benefits, the Department resolved the issue that resulted in Claimant's May 3, 2013 hearing request. Thus, Claimant was no longer an aggrieved party as of the hearing date. See Mich Admin Code R 400.903(1); BAM 600 (February 2013), p 1.

At the hearing, Claimant testified that she understood the Department's actions resulting in a decrease in her monthly FAP benefits to \$104 for June 2013, ongoing, but contended she was entitled to the full \$200 in FAP benefits for the month of May 2012

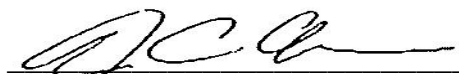
because she had timely filed a hearing request and asked that she continue to receive her current benefits, which were \$200 at the time, pending a hearing decision. While waiting for the hearing decision, recipients must continue to receive the assistance authorized prior to the notice of negative action when the request for hearing was filed timely. BAM 600, p 18. A hearing is timely filed if the request is received anywhere in the Department within 11 days of the effective date of the negative action. BAM 600, p 18. However, clients are not eligible for continued benefits if the case involves FAP and the benefit period has expired. BAM 600, p 18.

In this case, Claimant's May 3, 2013 request for hearing was timely filed within eleven days of the April 25, 2013 Notice of Case Action. However, a review of the evidence shows that the June 3, 2013 Notice of Case Action approved Claimant's eligibility for ongoing FAP benefits for the period between May 1, 2013 and April 30, 2015. This established that Claimant's FAP eligibility period expired on April 30, 2013. Accordingly, Claimant was not eligible for ongoing FAP benefits pending the hearing. Thus, the Department acted in accordance with Department policy when it failed to continue issuing FAP benefits to Claimant pending the hearing and Claimant was eligible for the recalculated monthly FAP benefits of \$104 for May 1, 2013, ongoing.

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 acted in accordance with Department policy when it reinstated Claimant's FAP case and supplemented her for recalculated FAP benefits for May 1, 2013, ongoing.

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin

Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 6/11/2013

Date Mailed: 6/11/2013

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 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 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

ACE/hw

cc:

