

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-46002  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: [REDACTED]  
County: Wayne DHS (19)

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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 [REDACTED] from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

**ISSUE**

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

**FINDINGS OF FACT**

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

1. On [REDACTED], the Claimant was assigned to a worker in the Inkster District.
2. On [REDACTED], the Department scheduled the Claimant for an interview to take place on [REDACTED], to discuss his case.
3. On [REDACTED] the Department notified the Claimant that his Food Assistance Program (FAP) benefits would be closed as of [REDACTED]
4. On [REDACTED], the Department received an application for Food Assistance Program (FAP) benefits from the Claimant.

5. On [REDACTED], the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of [REDACTED].
6. The Department received the Claimant's request for a hearing on [REDACTED] [REDACTED] protesting the Department's failure to issue Food Assistance Program (FAP) for a three month period. The hearing request is on a hearing request form with a Notice date of [REDACTED], and is date stamped by the Inkster District on [REDACTED].

### **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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (March 1, 2013), p 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Department of Human Services Bridges Assistance Manual (BAM) 130 (May 1, 2012), p 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

The Claimant testified that he submitted an application for Food Assistance Program (FAP) on [REDACTED], after having separated from his wife's Food Assistance Program (FAP) benefit group.

On [REDACTED], the Claimant was assigned to a worker in the Inkster District. On [REDACTED] the Department scheduled the Claimant for an interview to take place on [REDACTED], to discuss the case.

The Claimant testified that he did not receive Food Assistance Program (FAP) benefits during this time frame.

On [REDACTED], the Department notified the Claimant that his Food Assistance Program (FAP) benefits would be closed as of [REDACTED].

On [REDACTED] the Department received an application for Food Assistance Program (FAP) benefits from the Claimant. On [REDACTED], the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of [REDACTED].

The Department's representatives testified that the Claimant was issued Food Assistance Program (FAP) benefits for [REDACTED], but that his case was closed as of [REDACTED] for failing to provide the information requested on the [REDACTED], Verification Checklist. It appears that the Department notified the Claimant of this closure on [REDACTED], and the Claimant returned his request for a hearing from this Notice of Case Action packet.

However, it is clear from the Claimant's request for a hearing that his grievance extends to three months of Food Assistance Program (FAP) benefits in dispute before [REDACTED].

The Claimant testified that he applied for Food Assistance Program (FAP) benefits on [REDACTED], and this is consistent with the records supplied by the Department. The Department failed to establish how this [REDACTED], application for benefits was resolved, or when it notified the Claimant as to how this application was resolved.

This Administrative Law Judge finds that the Claimant's request for a hearing is timely with respect to a [REDACTED], application for Food Assistance Program (FAP) benefits because the Department failed to establish when it sent notice of this action.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Department failed to establish that it properly processed the Claimant's [REDACTED], application for Food Assistance Program (FAP) benefits.

The following section of policy may be relevant to the Claimant's circumstances:

A member add that increases benefits is effective the month after it is reported or, if the new member left another group, the month after the member delete. In determining the potential FAP benefit increase, Bridges assumes the FIP/SDA supplement and new grant amount have been authorized.

When a member leaves a group to apply on his own or to join another group, do a member delete in the month you learn of the application/member add. Initiate recoupment if necessary. If the member delete decreases benefits, adequate notice is allowed.

Department of Human Services Bridges Eligibility Manual (BEM) 212 (November 1, 2012), p 7.

In this case, the Claimant submitted an application for Food Assistance Program (FAP) benefits on [REDACTED]. This Administrative Law Judge finds that the Department failed to establish that it properly determine the Claimant's eligibility for the Food Assistance Program (FAP) based on this application for benefits.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to establish that it acted in accordance with policy upon receipt of the Claimant's [REDACTED] application for benefits.

The Department's Food Assistance Program (FAP) eligibility determination is **REVERSED**.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Allow the Claimant a ten-day period to clarify the circumstances of his living arrangements as of [REDACTED]
2. Re-process the Claimant's [REDACTED] application for benefits and initiate a determination of the Claimant's eligibility for the Food Assistance Program (FAP) based on this application.
3. Provide the Claimant with a Notice of Case Action (DHS-1605) describing the Department's revised eligibility determination.
4. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

/s/  
**Kevin Scully**  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 06/14/2013

Date Mailed: 06/14/2013

**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

KS/kl

cc:

