

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-48389
Issue Nos.: 1010, 3012
Case No.: [REDACTED]
Hearing Date: June 17, 2013
County: Wayne (82-19)

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 17, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly process Claimant's April 26, 2013, application?

FINDINGS OF FACT

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

1. On April 26, 2013, Claimant applied for Food Assistance Program (FAP) and Child Development and Care (CDC) benefits.
2. On May 7, 2013, and May 8, 2013, the Department notified Claimant that her CDC application was approved.
3. On May 13, 2013, Claimant filed a request concerning the denial of FAP benefits.
4. On May 20, 2013, Claimant filed a request concerning the denial of FAP and Family Independence Program (FIP) benefits.

CONCLUSIONS OF LAW

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

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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, Claimant filed two requests for hearing, one on May 13, 2013, concerning the denial of FAP benefits and the other on May 20, 2013, concerning the denial of FAP and FIP benefits. The Department responded to Claimant's hearing request by referencing the closure of her FAP case effective January 1, 2013, because she had failed to verify loss of employment. At the hearing, Claimant verified that the Department had notified of the closure of her FAP case in January 2013. This would make her hearing request concerning the closure of the FAP case, which was filed more than 90 days after the Department's notice, untimely. See BAM 600 (February 2013), p. 4. However, Claimant testified that her hearing request concerned the denial of her April 2013 application, not the prior closure of her FAP case.

The hearing proceeded to address the April 2013 application. The Department testified that its system showed that Claimant had applied for FAP and CDC benefits, but not FIP benefits, on April 26, 2013. Although Claimant alleged that she had also applied for FIP benefits, she marked off the denial of FIP benefits in only one of the two hearing requests she filed concerning the denial of benefits. Furthermore, in her handwritten comments in both hearing requests concerning why she disagreed with the Department's actions, Claimant expressed her concern that she applied for both CDC and FAP benefits, was approved for CDC, and denied FAP and did not reference FIP. Although Claimant was given the opportunity to show that she had applied for FIP benefits by pulling up her FIP status on her phone during the hearing, the information showing that she was not receiving FIP benefits for the month of June and should file a new application if she believed she was eligible for benefits did not establish that she had filed a FIP application in April 2013. In light of these facts, Claimant has failed to establish that she also applied for FIP benefits in her April 26, 2013, FAP and CDC application.

Although Claimant alleged that she was denied FAP benefits, there was no evidence presented at the hearing that the Department sent Claimant a Notice of Case Action concerning her FAP application. The Department sent Claimant Notices of Case Action on May 7, 2013, and May 8, 2013, both approving her ongoing CDC benefits. Claimant may have concluded that because the Notices addressed her CDC application and she had applied for both CDC and FAP benefits, she was denied FAP benefits. However, neither Notice addresses Claimant's FAP application.

The Department must process an application for FAP benefits within 30 days of the date of application, except expedited FAP benefits must be made available within seven days of the date of application. BAM 115 (January 2013), p. 13. In this case, although the Department had not exceeded the standard of promptness for processing the April 26, 2013, FAP application when Claimant filed her May 2013 hearing requests, there was no evidence that the application had been processed as of the June 17, 2013, hearing date. By failing to comply with the standard of promptness for processing a FAP application, the Department failed to act in accordance with Department policy.

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 did not act in accordance with Department policy when it failed to process Claimant's April 26, 2013, FAP application.

Accordingly, the Department's decision is REVERSED.

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

1. Register Claimant's April 26, 2013, FAP application;
2. Begin processing the application for FAP eligibility in accordance with Department policy;
3. Issue supplements to Claimant for any FAP benefits she was entitled to receive, but did not, from April 26, 2013, ongoing; and
4. Notify Claimant in writing of its decision in accordance with Department policy.



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

Date Signed: June 19, 2013

Date Mailed: June 19, 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 affect 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/pf

cc:

