

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

IN THE MATTER OF:

██████████
██████████████████
██

Reg. No.: 2013-48765
Issue No.: 3000
Case No.: ██████████
Hearing Date: June 20, 2013
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 20, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and her mother, ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████, Family Independence Manager and ██████████, 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)? |

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 applied for benefits received benefits 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). |

2. On July 1, 2012, the Department
 denied Claimant's application closed Claimant's case
due to a determination that she failed to return her Redetermination application form.
3. On an unknown date, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On May 21, 2013, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the 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 1999 AC, Rule 400.3001 through Rule 400.3015.

Additionally, Bridges Administrative Manual (BAM) 600, "Hearings," sets forth the procedures for customers to request administrative hearings when they believe the Department has not acted correctly. BEM 600 sets a ninety-day deadline in which the request for a hearing must be made. Department of Human Services Bridges Administrative Manual (BAM) 600 (2013). p. 4.

At the hearing the Claimant first testified that she did not remember to file a hearing request within ninety days. She stated she did not remember because she was suffering from cancer and was hospitalized three times. However, she also testified that during the time she was ill, she paid all her bills on time, and she brought a rent receipt to the hearing to demonstrate that her rent was paid on time. She testified she knew her FAP benefits were terminated. Clmt. Exh. A.

The Claimant did not dispute the fact that she never submitted the required Redetermination form in May, 2012, and did not indicate why she never provided information to the Department.

In this case it is clear that the Claimant missed the ninety-day deadline for filing a hearing request. The question becomes whether there is a good cause reason for Claimant's failure to file a hearing request in a timely fashion. *Id.*

Having reviewed all of the evidence in this case in its entirety, it is found and determined that Claimant has not established that there is a good cause reason for her failure to file

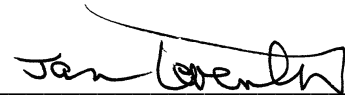
a hearing request in a timely fashion. Claimant's testimony is that she did not remember to request a hearing even though she was aware she was not receiving FAP benefits. At the same time, she testified she paid all of her household bills on time even while she was ill.

Even though her medical situation was extremely serious, she failed to make even one contact with the Department. In fact this is consistent with the fact that she failed to return the Redetermination prior to its due date as well. Indeed, she made no contact with the Department before or after the deadline, about any problem she had with filing the Redetermination in a timely fashion.

While Claimant's situation is unfortunately a serious one, which calls for every consideration, it is found and determined that forgetting to do something is not sufficient good cause for failing to do it. It is found and determined that the Claimant's request is untimely, and this case must be dismissed. BAM 600, p. 4.

In conclusion, it is found and determined that Claimant did not file a request for hearing to contest the Department's action until May 21, 2013, at least six months after the deadline. Claimant's hearing request was, therefore, not timely filed within ninety days of the Notice of Case Action and is, therefore, DISMISSED for lack of jurisdiction. BAM 600, p 4.

It is SO ORDERED.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 20, 2013

Date Mailed: June 20, 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:

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- 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,
- 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

JL/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]