

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

**IN THE MATTER OF:**

██████████  
████████████████████  
██████████

Reg. No.: 2013-58776  
Issue No.: 3008  
Case No.: ██████████  
Hearing Date: August 15, 2013  
County: Oakland (02)

**ADMINISTRATIVE LAW JUDGE:** Eric Feldman

**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 August 15, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Eligibility Specialist. Also, ██████████ DHS interpreter, was present as an interpreter for Claimant.

**ISSUE**

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits effective August 1, 2013, ongoing, due to her failure to submit a redetermination?

**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 FAP benefits. See Exhibit 1.
2. On May 14, 2013, the Department sent Claimant a Redetermination, which was due back by June 3, 2013. See Exhibit 1.
3. On May 14, 2013, the Department also sent Claimant a Redetermination Telephone Interview letter, which was scheduled on June 3, 2013. Exhibit 1.
4. On June 3, 2013, Claimant failed to participate in the interview and the Department sent Claimant a Notice of Missed Interview letter on that same day. Exhibit 1.

5. Claimant failed to submit a completed redetermination.
6. On July 9, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits would close effective August 1, 2013, ongoing, due to her failure to participate in the interview and also her failure to provide the verification documents. Exhibit 1.
7. On July 17, 2013, Claimant filed a hearing request, protesting the Department's action. Exhibit 1.
8. On July 31, 2013, Claimant submitted a Hearing Request Withdrawal, however, it was denied by the Administrative Law Judge. Exhibit 1.
9. On August 8, 2013, the Michigan Administrative Hearing System sent Claimant an Order Denying Hearing Request Withdrawal by the Administrative Law Judge. Exhibit 1.

### **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 Mich Admin Code, R 400.3001 through R 400.3015.

As a preliminary matter, Claimant testified that she wanted to continue with the hearing without her Authorized Hearing Representative (AHR). See Exhibit 1.

A complete redetermination is required at least every 12 months. BAM 210 (July 2013), p. 1. For FAP cases, an interview is required before denying a redetermination even if it is clear from the DHS-1010/1171 or other sources that the group is ineligible. BAM 210, p. 3. If the client misses the interview, [the Department] sends a DHS-254, Notice of Missed Interview. BAM 210, p. 3. FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 2. For FAP cases, if the redetermination packet is not logged in by the last working day of the redetermination month, the Department automatically closes the EDG. BAM 210, p. 9. A DHS-1605, Notice of Case Action, is not generated. BAM 210, p. 9.

Clients must cooperate with the local office in completing necessary forms for determining initial and ongoing eligibility. BAM 105 (March 2013), p. 5. The client must obtain required verification, but the Department must assist if they need and request help. BAM 130 (May 2012), p. 3. If neither the client nor the Department can obtain

verification despite a reasonable effort, the Department uses the best available information. BAM 130, p. 3. If no evidence is available, the Department uses its best judgment. BAM 130, p. 3.

For FAP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification it requests. BAM 130, p. 5. Also for FAP cases, if the client indicates refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it, then policy directs that a negative action be issued. BAM 130, p. 5.

In this case, Claimant was an ongoing recipient of FAP benefits. See Exhibit 1. On May 14, 2013, the Department sent Claimant a Redetermination, which was due back by June 3, 2013. See Exhibit 1. On May 14, 2013, the Department also sent Claimant a Redetermination Telephone Interview letter, which was scheduled on June 3, 2013. Exhibit 1. On June 3, 2013, Claimant failed to participate in the interview and the Department sent Claimant a Notice of Missed Interview letter on that same day. Exhibit 1. The Department testified that Claimant failed to submit a completed redetermination. The Department also testified that it never received any phone calls from the Claimant regarding any questions about the redetermination. On July 9, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits would close effective August 1, 2013, ongoing, due to her failure to participate in the interview and also her failure to provide the verification documents. Exhibit 1.


At the hearing, Claimant gave inconsistent testimony as to whether she received the redetermination or not. However, during the hearing, the Department presented the redetermination to the Claimant and Claimant confirmed that she did receive that document. Nevertheless, Claimant testified that her daughter submitted the redetermination ten days ago. The Department testified that it never received it. Moreover, Claimant testified that she was in the hospital for one month in June 2013. The Department testified that it first learned about Claimant's hospitalization on July 9, 2013.

Based on the foregoing information and evidence, the Department properly closed Claimant's FAP benefits effective August 1, 2013, ongoing, in accordance with Department policy. First, Claimant gave inconsistent testimony if whether she received the redetermination or not. Moreover, Claimant testified that her daughter submitted the redetermination ten days ago. Even if Claimant submitted the redetermination ten days, she submitted the redetermination late because it was after the FAP benefit period ended on July 31, 2013. Second, Claimant testified that she was in the hospital for one month in June 2013. However, the redetermination was mailed on May 14, 2013. See Exhibit 1. Claimant did have time to complete the necessary documents. Nevertheless, the Department credibly testified that it did not receive the completed redetermination. Claimant failed to complete the necessary forms to determine her ongoing FAP eligibility. BAM 105, p. 5.

**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 act properly when it closed Claimant's FAP benefits effective August 1, 2013, ongoing.

Accordingly, the Department's  AMP  FIP  FAP  MA  SDA  CDC decision is  AFFIRMED  REVERSED for the reasons stated on the record.



**Eric Feldman**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: August 23, 2013

Date Mailed: August 23, 2013

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

EJF/cl

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