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

IN THE MATTER OF:

Reg. No.: 14-003444

Issue No.: 3002

Case No.: June 26, 2014

County: Wayne (55-Hamtramck)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on June 26, 2014, from Detroit, Michigan.

Participants on behalf of Claimant included Claimant

Participants on behalf of the Department of Human Services (Department) included

ISSUE

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits?

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 December 16, 2013, the Department sent Claimant a redetermination packet requesting various pieces of information, all due by January 2, 2014.
- 2. On January 2, 2014, the Department sent Claimant a notice of missed interview.
- 3. On February 13, 2014, the Department sent Claimant a notice of case action approving Claimant's FAP application.
- 4. On March 11, 2014, the Department sent Claimant a second redetermination packet to be completed by April 1, 2014.
- 5. On April 1, 2014, the Department sent Claimant a second notice of missed interview.

- 6. On May 9, 2014, the Department sent Claimant a second notice of case action informing her that her FAP benefits had again been approved.
- 7. On May 15, 2014, Claimant requested a hearing to protest "mishandling my entitlement."

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

At the hearing, Claimant's spouse testified that he had turned in the second redetermination packet sometime in April.

Since the second redetermination packet was due April 1, 2014, Claimant's spouse's testimony that he turned in the redetermination packet "sometime in April" leads this Administrative Law Judge to believe that the redetermination packet was not turned in a timely fashion.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department

\boxtimes	acted in accordance with Department policy when it closed Claimant's FAP benefits
	for failure to timely provide verifications
	did not act in accordance with Department policy when it .
	failed to satisfy its burden of showing that it acted in accordance with Department
	policy when it .

DECISION AND ORDER

Accordingly, the Department's decision is

$oxed{oxed}$ AFFIRMED.	
REVERSED.	
AFFIRMED IN PART with respect to	and REVERSED IN PART with respect to

Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 7/2/2014

Date Mailed: 7/2/2014

MJB / pf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

