

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-001748
Issue No.: 3001;3004
Case No.: [REDACTED]
Hearing Date: JUNE 2, 2014
County: OAKLAND-DISTRICT 2

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 2, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist and [REDACTED], Assistance Payment Supervisor.

ISSUE

Did the Department properly process Claimant's 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 April 8, 2014, an administrative hearing was held with respect to Claimant's application for FAP benefits.
2. The Hearing Decision from the hearing held on April 8, 2014, found that the Department did not act in accordance with Department policy when it denied Claimant's FAP application and ordered the Department to initiate certain actions with respect to Claimant's FAP benefits. (Exhibit 3)
3. On April 25, 2014, Claimant submitted a hearing request disputing the Department's actions and requesting that the Department comply with the orders of the Administrative Law Judge (ALJ) in the Hearing Decision mailed on April 9, 2014.

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.

Additionally, Claimant requested a hearing regarding the Department's failure to comply with a previous administrative hearing decision with respect to his FAP benefits. The Hearing Decision mailed on April 9, 2014, found that the Department did not act properly when it denied Claimant's FAP application and ordered the Department to: (i) reinstate the application and re-determine eligibility and (ii) request any additional documentation consistent with policy, if needed. (Exhibit 3)

According to BAM 600, the Department is to implement and certify a decision and order within 10 calendar days of the mailing date on the hearing decision. BAM 600 (March 2014), pp. 42-43. At the hearing, the Department testified that on April 17, 2014, it certified and began to implement the decision and order. (Exhibit 1). The Department stated that on April 17, 2014, it sent Claimant a verification checklist instructing him to return the requested asset verifications by April 27, 2014. (Exhibit 1). The Department initially testified that Claimant did not return the requested verifications, but later confirmed that some verifications were returned by the due date. (Exhibit A).

The Department also testified that Claimant's FAP application was not reinstated because it was waiting for Claimant to return the verifications. It remained unexplained by the Department how a verification checklist could be issued to Claimant, prior to the Department reinstating the application. Additionally, the Department stated that a decision concerning Claimant's eligibility for FAP benefits had not been made as of the June 2, 2014, hearing date. The Department confirmed that it had not sent Claimant a Notice of Case Action informing him whether his application was approved or denied. Therefore, because the Department did not reinstate and redetermine Claimant's eligibility for FAP benefits, the Department did not properly comply with the decision and order issued by the ALJ from the April 8, 2014, hearing.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Claimant's FAP benefits. Claimant is informed that should he receive a

Notice from the Department with a determination that his FAP application was denied, he is entitled to request a hearing to dispute the denial.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate the application and re-determine eligibility;
2. Request any additional documentation consistent with policy, if needed; and
3. Notify Claimant in writing of its decision.



Zainab Baydoun

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

Date Signed: **6/4/2014**

Date Mailed: **6/4/2014**

____ / ____

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

cc:

