

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

IN THE MATTER OF:

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

Reg. No.: 14-005471
Issue No.: 3001
Case No.: ██████████
Hearing Date: July 28, 2014
County: WAYNE- 31 (GRANDMONT)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Monday, July 28, 2014. Claimant appeared and testified. Participating on behalf the Department of Human Services (Department) was ██████████ nson.

ISSUE

Whether the Department properly terminated Claimant's Food Assistance Program (FAP) benefits effective May 1, 2014.

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 FAP recipient.
2. On February 5, 2014, the Department sent a New Hire Notice to Claimant with a due date of February 18, 2014. (Exhibit 1)
3. On February 18, 2014, Claimant submitted the completed New Hire Notice along with check stubs.
4. On April 9, 2014, the Department sent a Notice of Case Action to Claimant informing her that her FAP benefits would terminate effective May 1, 2014, based on the reported failure to submit the requested employment verifications. (Exhibit 2)

5. On June 16, 2014, the Department received Claimant's Request for Hearing protesting the termination of FAP benefits.

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.

In this case, the Department sent a New Hire Notice to Claimant to complete and submit by February 18, 2014. On April 9, 2014, the Department sent a NOCA to Claimant notifying her of the FAP closure effective May 1st based on the failure to submit requested employment verifications. During the hearing, the Department confirmed that the New Hire Notice and pay stubs were in Claimant's file with a date-stamp of February 18, 2014. As such, the Department's termination of FAP benefits was in error.

During the hearing, the Department stated it would need to get updated employment information. It was explained that the Department may request updated information after the FAP case is reinstated and Claimant has been supplemented. Based on any updated information that may impact the monthly FAP allotment, the Department would be required to issue a new NOCA to provide Claimant timely notice of the Department action pursuant to BAM 220 (January 2014), p. 4.

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 act in accordance with Department policy when it terminated Claimant's FAP benefits despite Claimant having timely submitted the requested employment verifications.

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 Claimant's FAP benefits effective May 1, 2014.
2. Supplement Claimant for lost FAP benefits she was entitled to receive, in accordance with Department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **8/1/2014**

Date Mailed: **8/1/2014**

CMM/cl

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:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]