

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

IN THE MATTER OF:

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██
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Reg. No.: 14 003231
Issue No(s): 3001
Case No.: ██████████
Hearing Date: August 18, 2014
County: Wayne (55)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 August 18, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and ██████████, Interpreter. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist, and ██████████, Hearing Coordinator.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits because he had previously been disqualified from the program for 12 months?

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 May 6, 2014, a hearing decision was issued finding that Claimant committed an Intentional Program Violation (IPV) and disqualifying him from the FAP for 12 months.
3. Claimant did not appeal the May 6, 2014 decision.
4. On May 16, 2014, the Department issued an IPV Client Notice and a Notice of Case Action notifying him that his FAP case would close effective June 1, 2014.

5. On May 21, 2014, Claimant filed a Request for Hearing disputing the Department's actions.

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, Department policy requires that after a hearing decision has been issued finding that a client has committed an IPV, the Department is to notify the client of an IPV recoupment and disqualification actions via the DHS-4357, IPV Client Notice. Further, Department policy states that only hearing requests challenging the overissuance benefit reduction or repayment amount (not the overissuance amount) are granted. BAM 720 (May 2014), pp. 18-19.

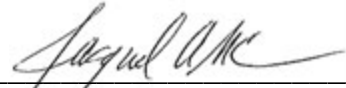
On April 15, 2014, a hearing was held to determine whether Claimant committed an IPV of the FAP program and whether he would be disqualified from the FAP for 12 months. On May 6, 2014, a hearing decision was issued which found that Claimant committed an IPV of the FAP program and ordered him disqualified from the FAP program for 12 months. The hearing decision advised Claimant that he had 30 days to appeal the decision to circuit court. Claimant did not appeal the hearing decision.

On May 16, 2014, the Department sent Claimant an IPV Client Notice and a Notice of Case Action notifying him that his FAP case would close effective June 1, 2014. The Department testified that as of June 1, 2014, Claimant was the only group member on his FAP case. The Claimant confirmed that his group size was one. Because Claimant failed to appeal the May 6, 2014 and because he was the only group member on his FAP case at the time of closure, the Department properly closed his FAP case effective June 1, 2014.

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 acted in accordance with policy when it closed Claimant's FAP case effective June 1, 2014 because he had been found to be disqualified from the FAP program for a period of 12 months.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



JACQUELYN A. MCCLINTON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 26, 2014

Date Mailed: August 26, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, 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

JAM/cl

14-003231/JAM

cc:

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