

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-006076
Issue No.: 3004
Case No.: [REDACTED]
Hearing Date: August 5, 2014
County: OAKLAND #2

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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, telephone hearing was held on [REDACTED], from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly process the Claimant's redetermination of eligibility for FAP benefits due to an Administrative Law Judge decision?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Due to a reversal of the Department's action by an Administrative Law Judge's (ALJ) decision, the Department was asked to re-determine eligibility on [REDACTED].
2. On [REDACTED], the Department reinstated the Claimant's FAP benefits retroactive to [REDACTED]. The Claimant's benefits were available to the Claimant on [REDACTED], but the Department failed to provide a notice of case action to the Claimant.
3. A manual notice was sent out with the date of [REDACTED], but that was not the original date that the notice was mailed. Department Exhibit 2
4. Subsequently, the Department sent Claimant/Claimant's Authorized Representative (AR) notice of its action.

5. On [REDACTED], Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's action.

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

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, the Claimant requested an administrative hearing, which he won. The Department was ordered by the ALJ to redetermine eligibility for FAP on [REDACTED]. The Department did redetermine and reinstate the Claimant's FAP by [REDACTED], which was within the 10 day timeframe. However, BRIDGES failed to automatically send the Claimant a notice of case action. Subsequently, the Department Caseworker sent out a notice of case action manually. The Claimant asked for another hearing on [REDACTED], because he did not get the notice.

The Department has completed the action required by the ALJ, but did fail to send a notice so that the Claimant would know that his FAP benefits were [REDACTED] to [REDACTED]. A subsequent notice was sent by the Department.

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 Department policy when it redetermined eligibility for FAP retroactive to [REDACTED].

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

Carmen G. Fahie

Carmen G. Fahie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **8/15/2014**
Date Mailed: **8/15/2014**

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 Claimant;
- 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

CGF/tb

cc:

