

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

**IN THE MATTER OF:**

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

Reg. No.: 14-009559  
Issue No.: 3002  
Case No.: ██████████  
Hearing Date: September 11, 2014  
County: Wayne (76-Gratiot/7 Mile)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 September 11, 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 close Claimant's case 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. Claimant was an ongoing recipient of FAP, Child Development and Care (CDC) and Medical Assistance (MA) benefits.
2. On June 16, 2014, the Department sent Claimant a redetermination concerning her ongoing eligibility for FAP, CDC and MA benefits, requesting that Claimant submit the completed document to the Department by July 2, 2014.
3. On July 1, 2014, or July 2, 2014, Claimant submitted the completed redetermination to the Department's front desk and signed the sign-in log.

4. On July 2, 2014, the Department sent Claimant a Notice of Missed Interview notifying her that her FAP case would close effective July 31, 2014, if she did not reschedule her interview prior to that date.
5. On July 31, 2014, Claimant's FAP case closed.
6. On August 5, 2014, Claimant requested a 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.

As a preliminary matter, it is noted that Claimant submitted a request for hearing concerning her FAP case on August 5, 2014. At the hearing, she confirmed that, at the time she requested a hearing, she was only concerned about the closure of her FAP case but, on August 8, 2014, she also received a notice of case action informing her that her Child Development and Care (CDC) and her child's Medical Assistance (MA) would close effective August 31, 2014. The Department testified that all the case closures arose from the Department's finding that Claimant had failed to complete the redetermination process to determine her ongoing eligibility for program benefits. Because the Notice concerning the closure of the CDC and MA cases was not sent until after Claimant filed her August 5, 2014, request for hearing, Claimant was not an aggrieved party with respect to her CDC and MA cases at the time she filed her hearing request. Accordingly, the CDC and MA issues were not properly presented for hearing. See Mich Admin Code, R 400.903(1).

Claimant was advised that she could request a hearing concerning the Department's closure of her CDC and MA cases.

The Department testified that Claimant's FAP case closed because she had failed to submit a completed redetermination. A client must complete a redetermination at least every 12 months in order for the Department to determine the client's continued eligibility for benefits. BAM 210 (July 2014), p. 1. An FAP client must also complete a phone interview. BAM 210, p. 3. Before the Department proceeds with the FAP

interview, it must receive the completed redetermination packet from the client. BAM 210, p. 12. FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 2.

In this case, the Department sent Claimant a redetermination form in connection with her continued eligibility for her FAP, MA and CDC benefits. The redetermination was due on July 2, 2014, and a telephone interview was scheduled on July 2, 2014. At the hearing, Claimant testified that she completed the redetermination form, submitted it at the Department's local office front window on July 1, 2014, or July 2, 2014, and signed the sign-in log identifying the documents she submitted. In her hearing request, Claimant indicated that she had submitted all required documents. Furthermore, at the hearing, she testified that, when she came in to the local office on August 5, 2014, concerned that her FAP case had closed, and her worker told her that her case closed because she did not submit her redetermination, she informed her worker that she had timely submitted her redetermination. Her worker advised her to reapply for FAP. Therefore, even though the Department was put on notice concerning Claimant's position that she had turned in the redetermination, there was no evidence presented by the Department that it reviewed the sign-in log prior to the hearing to verify whether Claimant had timely submitted a redetermination.

In order to complete the redetermination process, an FAP client must also complete a phone interview. BAM 210, p. 3. Claimant acknowledged that she did not receive the Department's phone call on July 2, 2014, and, although she denied receiving the Notice of Missed Interview advising her that she was required to reschedule the interview before July 31, 2014, or her FAP case would close, the Department established that the notice was sent to her on July 2, 2014. Despite not receiving this notice, Claimant credibly testified that she attempted to contact her worker prior to July 31, 2014, concerning the fact that she had not received a phone call on July 2, 2014, but her worker's voicemail was full and she was unable to leave a message. The worker was not at the hearing to dispute Claimant's testimony.

Because the Department was unable to dispute Claimant's position that she had timely submitted a redetermination and attempted to reschedule the interview, 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 closed Claimant's FAP case for failure to complete her redetermination.

### **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 case effective August 1, 2014;
2. Reprocess Claimant's redetermination;
3. Issue supplements to Claimant for FAP benefits she was eligible to receive but did not from August 1, 2014, ongoing; and
4. Notify Claimant in writing of its decision in a DHS-1605, Notice of Case Action.



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**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: **9/15/2014**

Date Mailed: **9/15/2014**

ACE / 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

CC: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]