

**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.: 14-010054
Issue No.: 3001
Case No.: ██████████
Hearing Date: September 17, 2014
County: WAYNE-DISTRICT 57

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 three way telephone hearing was held on September 17, 2014, from Detroit Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Family Independence Manager, and ██████████, Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's application 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 benefits.
2. On July 14, 2014, the Department sent Claimant a Notice of Case Action informing her that effective August 1, 2014, her FAP case would be closing on the basis that she failed to verify information necessary to determine her eligibility for FAP. (Exhibit 1)
3. On August 14, 2014, Claimant submitted an application for FAP benefits. (Exhibit 2)
4. On August 15, 2014, the Department denied Claimant's FAP application. (Exhibit 3)

5. On August 19, 2014, Claimant submitted a hearing request 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, when the Department receives an application for assistance, it is to be registered and processed in accordance with Department policies. The date of the application is the date the local office receives the required minimum information on an application or filing form. BAM 110 (July 2014), pp. 5-7, 18-22. The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (July 2014), p. 14. For FAP cases, an interview is required before denying assistance even if it is clear from the application that the group is ineligible. BAM 115, p.23. The Department is to certify program approval or denial of the FAP application within six calendar days after the expedited application date or within 29 calendar days after the regular FAP application date and upon certification of eligibility results, the Department is to notify clients in writing of positive and negative actions by generating the appropriate notice of case action. After processing an initial application, the Department will notify clients of the approval or denial. BAM 115, pp. 15-16, 23; BAM 220 (July 2014), p. 1.

In this case, Claimant submitted an application for FAP benefits on August 14, 2014. The Department testified that the application was received and that it was registered. The Department provided a program request summary confirming the application date. (Exhibit 2). The Department stated that according to Bridges, on August 15, 2014, Claimant's FAP application was denied with the denial reason listed as "filed in error." (Exhibit 3). Although the Department provided some testimony concerning why Claimant's FAP case had previously closed, the Department remained unable to explain why the application was denied just one day after it was received.

Further, Claimant testified that she did not receive a notice of case action informing her of the application denial and that she was only verbally informed after inquiring with her worker about the status of the application. Claimant stated that she was informed by her Department case worker (who was not present for the hearing) that the application was

denied because Claimant was required to be added to her mother's FAP case, as she was under age 22 and lived in the same home as her mother. At the hearing, Claimant testified that she does not live with her mother and that at the time of her application, she was staying with her uncle. The Department confirmed that a notice of case action was never sent to Claimant informing her of the application denial.

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 denied Claimant's FAP application.

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. Register and process Claimant's August 14, 2014, application for FAP benefits;
2. Issue supplements to Claimant for any FAP benefits that she was entitled to receive but did not from August 14, 2014, ongoing; and
3. Notify Claimant of its decision in writing.



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

Date Signed: **9/19/2014**

Date Mailed: **9/19/2014**

ZB / 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]