

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 14-011168
Issue No.: 3003
Case No.: ██████████
Hearing Date: October 27, 2014
County: WAYNE-DISTRICT 31

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 telephone hearing was held on October 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Assistance Payment Worker, and ██████████, Hearings Facilitator.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case on the basis that she failed to complete a redetermination?

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 15, 2014, the Department sent Claimant a Redetermination form that was to be completed and returned to the Department by August 1, 2014. (Exhibit 1)
3. A Redetermination telephone interview was scheduled for August 1, 2014. (Exhibit 1, p.7)
4. On August 1, 2014, the Department sent Claimant a Notice of Missed Interview informing her that she had until August 31, 2014, to complete the Redetermination and reschedule her interview, or her ongoing benefits would be denied. (Exhibit 2)

5. On August 29, 2014, the Department sent Claimant a Notice of Case Action informing her that effective September 1, 2014, her FAP case would be closed based on a failure to return the Redetermination. (Exhibit 3)
6. On September 5, 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, the Department must periodically redetermine an individual's eligibility for active programs. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (July 2014), p. 1. A FAP client must also complete a phone interview. If the client misses the interview, Bridges sends a DHS-254, Notice of Missed Interview. BAM 210, pp. 3-4. Before the Department proceeds with the FAP interview, it must receive the completed redetermination packet from the client. 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. If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges will automatically close the FAP case without sending a Notice of Case Action. BAM 210, p.11.

In this case, the Department testified that because it did not receive the completed redetermination form from Claimant by the end of the FAP certification period of August 31, 2014, the Department sent Claimant a Notice of Case Action informing her that her FAP case would be closed effective September 1, 2014. (Exhibits 1 and 3). The Department stated that it did not receive any communication from Claimant concerning the redetermination or rescheduling the missed interview.

At the hearing, Claimant confirmed that she received the redetermination form and stated that she completed the form and mailed it to the Department. Claimant testified that she placed the form in the blue mailbox near her home, however, Claimant could not recall the date in which she mailed the form to the Department. Claimant also confirmed that she received the Notice of Missed Interview and stated that she called

her Department case worker to reschedule the interview. Claimant could not recall when she called her case worker, however, and did not provide supporting documentation to establish that she submitted the redetermination to the Department. Claimant further indicated that she does not know if she received the Notice of Case Action, as she had moved on August 4, 2014.

Claimant raised concerns at the hearing regarding the Department's failure to process her change of address request and stated that the Department continues to send documents to her old mailing address. The Department testified that Claimant's address has been changed and updated in the system and that the issue had been resolved. A review of the hearing documents including the hearing summary and notice of hearing establishes that Claimant's address has been updated and the issue appears to be resolved.

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 because the Department did not receive the redetermination by the end of the certification period, the Department acted in accordance with Department policy when it closed Claimant's FAP case effective September 1, 2014.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: **10/29/2014**

Date Mailed: **10/29/2014**

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