

**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.: 14-001880
Issue No.: 3001
Case No.: ██████████
Hearing Date: June 26, 2014
County: Wayne (55-Hamtramck)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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, an in-person hearing was held on June 26, 2014, from Hamtramck, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████ ██████████
██████████

ISSUE

Did the Department properly process Claimant's redetermination for his 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. On January 14, 2014, Claimant was sent a redetermination packet for his FAP case.
2. On February 4, 2014, the Department had not received the redetermination packet. Claimant's FAP benefits were placed into closure.
3. On April 11, 2014, Claimant reapplied and was approved FAP benefits.
4. On April 11, 2014, Claimant filed a hearing request protesting the loss of FAP benefits.
5. On April 28, 2014, Claimant filed a second hearing request regarding the closure and loss of FAP benefits.

6. On May 15, 2014, a telephone hearing was scheduled and Claimant failed to appear.

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 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

In the instant case, Claimant's FAP benefits ended as of March 2014 as a result of Claimant not completing a FAP redetermination. The Department testified a redetermination packet was issued to Claimant and Claimant failed to return the information prior to case closure. Claimant later reapplied for FAP benefits on April 11, 2014, and benefits were restarted based upon the new application.


At hearing, Claimant alleged he returned his paperwork to the Department on February 12, 2014, by hand delivering the documents to the Department. Claimant alleged he signed the log when he dropped off the material. The Department completed a prehearing meeting via telephone with Claimant. During the prehearing, the Department was told by Claimant he had returned the material and signed the log. The Department testified as a result of the prehearing the sign-in logs were reviewed and Claimant's name was not in the log. Claimant believed his paperwork was lost during an office closure. The Department did acknowledge the district office was closed on a later date and staff had been relocated. However, this was well after the date Claimant alleged he dropped off his paperwork.

Based upon the information available, this Administrative Law Judge finds the testimony provided by the Department more credible.

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 did act in accordance with Department policy.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **6/30/2014**

Date Mailed: **6/30/2014**

JWO / 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]