

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-006909
Issue No.: 3001
Case No.: [REDACTED]
Hearing Date: August 14, 2014
County: Wayne-District 18

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 August 14, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Supervisor and [REDACTED], Assistance Payment Worker.

ISSUE

Did the Department properly process Claimant's 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 June 6, 2014, the Department sent Claimant a verification checklist instructing her to submit requested proofs by June 16, 2014. (Exhibit 3)
3. On June 27, 2014, the Department sent Claimant a Notice of Case Action informing her that effective July 1, 2014, her FAP case would be closed on the basis that she failed verify information necessary to determine her eligibility for FAP benefits. (Exhibit 4)
4. On July 8, 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.

In this case, the Department terminated Claimant's FAP benefits effective July 1, 2014, on the basis that it did not receive requested paystubs for the month of May 2014 and closed bank account information by the due date. At the hearing, the Department stated that the case closure was improper, as the Department had mailed the verification checklist and Notice of Case Action to Claimant at an incorrect mailing address. The Department testified that after receiving the requested verifications from Claimant, it corrected the action by reinstating Claimant's FAP case effective July 1, 2014, and issuing Claimant her FAP benefits for the month of July 2014. Claimant confirmed the Department's testimony and stated that her case was reinstated and that she received the correct amount of FAP benefits for the month of July 2014.

It was established at the hearing that the sole issue remaining was a lapse in FAP benefits that Claimant stated occurred for the month of June 2014. Claimant testified that she thought her FAP case closed in June 2014 and that she did not receive her FAP benefits for the month of June 2014. At the hearing, the Department presented a benefit summary inquiry showing the amount of FAP benefits issued to Claimant, the pay begin and end date, the date the benefits became available, as well as the status of the payment. (Exhibit 1). A review of the benefit summary inquiry establishes that for the time period of June 1, 2014 through June 30, 2014, Claimant was paid \$124 in FAP benefits which were made available to her on June 15, 2014. (Exhibit 1). This was sufficient to show that Claimant received her FAP benefits in the correct amount for the month of June 2014.

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 processed Claimant's FAP benefits.

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: **8/19/2014**

Date Mailed: **8/20/2014**

ZB / tlf

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:

