

**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.: 14-009274
Issue Nos.: 2000, 3001
Case No.: ██████████
Hearing Date: September 10, 2014
County: Wayne (19-Inkster)

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 10, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included █████ █████ █████
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ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. In May 2014, Claimant applied for FAP benefits and was approved.
2. On July 30, 2014, the Department sent Claimant a Notice of Case Action notifying him that his FAP case would close effective September 1, 2014, because he had failed to provide requested verifications.
3. On August 6, 2014, Claimant filed a request for hearing disputing the Department's actions concerning his FAP and Medical Assistance (MA) cases.

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 requested a hearing concerning both his FAP and MA cases. At the hearing, Claimant testified that his MA issue had been resolved and he wished to dismiss his hearing request concerning that issue. Accordingly, Claimant's hearing request concerning his MA issue is dismissed. The hearing proceeded to address Claimant's FAP issue.

In a July 30, 2014, Notice of Case Action, the Department notified Claimant that his FAP case would close effective September 1, 2014, because he had failed to verify requested information. At the hearing, the Department explained that it had requested verification of Claimant's employment income but acknowledged that it had timely received requested verifications. The Department further explained that Claimant's benefits for September 2014 ongoing had been placed in pending status because Claimant had identified himself as disabled in his application and it was awaiting verification of this disability. When a person identifies himself as disabled, the Department is required to verify the client's status as senior/disabled/veteran (SDV) member of his FAP group. BEM 550 (February 2014), pp. 5-6. However, Claimant credibly testified that he informed his worker that he had erred in identifying himself as disabled, and he confirmed at the hearing that he was not disabled. Therefore, Claimant timely responded to any request for verification of disability by indicating that he was, in fact, not disabled. However, there was no evidence that a Notice of Case Action reinstating Claimant's FAP case had been issued.

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 not act in accordance with Department policy when it closed Claimant's FAP case for failure to verify.

DECISION AND ORDER

Claimant's August 6, 2014, request for hearing concerning MA is DISMISSED.

The Department's FAP 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 September 1, 2014;
2. Issue supplements to Claimant for FAP benefits he is eligible to receive from September 1, 2014 ongoing at the level issued to him prior to the case closure.



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

Date Signed: **9/11/2014**

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]
[REDACTED]
[REDACTED]