

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 14-010098
Issue No.: 3003
Case No.: ██████████
Hearing Date: September 22, 2014
County: WAYNE (17)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 22, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits without notice and due to a change in medical expenses?

FINDINGS OF FACT

1. Claimant was an ongoing FAP recipient.
2. On July 15, 2014, the Department sent Claimant a Redetermination which was due to be completed and returned by August 5, 2014.
3. The Department conducted a telephone interview based upon the submitted Redetermination.
4. The Department informed Claimant that his benefits would likely be reduced because the group had been receiving an incorrect medical expense deduction which would result in the reduction or closure of the group's FAP benefits.
5. On an unknown date, the Department processed the closure of Claimant's FAP benefits with an effective date of September 1, 2014.
6. Claimant was not provided notice of the FAP benefit closure.

7. On July 31, 2014, Claimant filed a Request for Hearing 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 of Human Services must periodically redetermine or renew an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. BAM 210 (July 2014), p. 1. The Department sent Claimant a Redetermination on July 15, 2014 with a due date of August 5, 2014. The Department conducted a telephone interview based upon the submitted Redetermination. During the telephone interview, Claimant's assigned worker explained that benefits would likely be reduced or closed because Claimant had been receiving a greater medical expense deduction than the group was entitled.

On July 31, 2014, Claimant requested a hearing to dispute the change in benefits. At the time Claimant requested the hearing, the Department had not mailed a Notice of Case Action regarding any changes to Claimant's FAP benefits. As of the date of the hearing, the Department still had not mailed a Notice of Case Action regarding the change in benefits. The Department stated that it did not know why a Notice of Case Action had not been mailed to Claimant but confirmed that Claimant's FAP benefits closed effective September 1, 2014. The Department also failed to provide a budget in support of its position that it properly closed Claimant's FAP benefits. It is therefore found that the Department failed to establish that the closure was proper and also failed to provide Claimant with notice of changes in benefits.

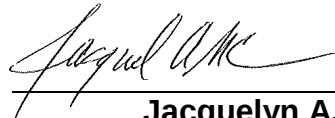
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with policy when it closed Claimant's FAP benefits and failed to provide notice of changes to Claimant's benefits.

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. Reinstate Claimant's FAP benefits effective September 1, 2014; and
2. Issue supplements to Claimant for FAP benefits effective September 1, 2014.



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **9/26/2014**

Date Mailed: **9/26/2014**

JAM / 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.