

**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.: 14-012039
Issue No.: 1003, 3003
Case No.: ██████████
Hearing Date: October 16, 2014
County: WAYNE (57)

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 October 16, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Family Independence Manager; ██████████ ██████████ Family Independence Specialist; and ██████████ ██████████, Family Independence Manager.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) and 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 FIP and FAP recipient.
2. On June 16, 2014, the Department sent Claimant a redetermination to be completed and returned by July 1, 2014.
3. Claimant hand delivered the completed redetermination on June 30, 2014.
4. The Department had no record of receipt of the redetermination and on July 1, 2014 sent Claimant a Notice of Missed Appointment notifying her that her FAP benefits would close effective August 1, 2014.

5. On July 19, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FIP benefits would close effective August 1, 2014.
6. On July 24, 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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

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 is required to 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. In this case, the Department indicated that it mailed a Redetermination on June 16, 2014. The Department testified that the due date indicated on the redetermination was July 1, 2014. Despite the due date of July 1, 2014, the redetermination requested that Claimant return the completed form at least five days before the due date as there would be a telephone interview held on July 1, 2014. Claimant testified that she returned the completed form on June 30, 2014. Claimant stated that the form was hand delivered and that she signed the log book confirming her appearance at the Department.

The Department stated that it did not review the log for June 30, 2014 and therefore had no way to verify or dispute whether Claimant's name appeared in the log. The Department testified that it had no record of receiving the redetermination. Accordingly on July 1, 2014, the Department sent Claimant a Notice of Missed Appointment which notified her that her FAP benefits would close effective August 1, 2014. Additionally, the Department testified that it sent Claimant a Notice of Case Action on July 19, 2014

notifying her that her FIP benefits would close effective August 1, 2014. Claimant reapplied for both FIP and FAP benefits and was approved for benefits effective October 1, 2014.

The Department further testified that at the time Claimant asserts she returned the completed redetermination, it was in the middle of transition to a different office location and that it was possible that the completed redetermination was lost. It is therefore found that Claimant returned the completed redetermination prior to the due date and as such, the Department improperly closed Claimant's FIP and FAP benefits effective August 1, 2014.

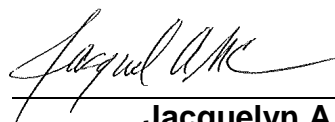
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with policy when it closed Claimant's FIP and FAP benefits effective August 1, 2014.

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 FIP benefits effective August 1, 2014, ongoing;
2. Issue FIP supplements to Claimant as of August 1, 2014, ongoing;
3. Reinstate Claimant's FAP benefits effective August 1, 2014, ongoing; and
4. Issue FAP supplements to Claimant as of August 1, 2014.



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

Date Signed: **10/21/2014**

Date Mailed: **10/21/2014**

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.

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]