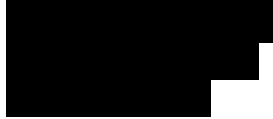


**STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES**

**IN THE MATTER OF:**



Reg. No.: 14-015988  
Issue No.: 3002  
Case No.:   
Hearing Date: December 16, 2014  
County: MONROE

**ADMINISTRATIVE LAW JUDGE:** Susanne E. Harris

**HEARING DECISION**

Following the 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 December 16, 2014, from Lansing, Michigan. Participants on behalf of the Claimant included . Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator,

**ISSUE**

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

**FINDINGS OF FACT**

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

1. The Claimant received monthly FAP benefits.
2. On November 1, 2014, the Department closed Claimant's case due to her failure to complete and return a DHS-1046, Semi-Annual Contact Report.
3. On October 10, 2014, the Department sent the Claimant its decision.
4. On November 5, 2014, the Claimant filed a hearing request, protesting 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), and Department of Human Services Reference Tables Manual (RFT).

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 this case, the Claimant testified that she was having difficulty submitting her proof of employment. The Claimant testified that she discussed this with a Ms. Cornack who did advise her to turn in special attention papers to her worker and to turn in the DHS-1046, Semi-Annual Contact Report regardless of her lack of a pay stub. The Claimant testified that she turned the form into the front desk on October 30, 2014 without her proof of employment. The Claimant testified that she submitted two special attention papers to her worker, as advised by Ms. Cornack, reporting that she was having difficulty obtaining her paystub.

The Hearing Facilitator at the hearing was not the Claimant's worker and had no personal knowledge of the Claimant's conversations with staff or submission of special attention papers. The Hearing facilitator did testify that he looked into the electronic case file and that, as of the day of hearing, there was still no DHS-1046, Semi-Annual Contact Report uploaded. The Claimant's testimony is found to be credible and persuasive as it is detailed and consistent with her hearing request which was submitted more contemporaneous to the events at issue. Furthermore, her testimony is not contested by anybody who has personal knowledge of her conversations with staff.

Additionally, Bridges Administrative Manual (BAM) 105 (2014) p. 13, provides that the local office must assist client to ask for help in completing forms or gathering verifications. In this case, it was not contested that the Claimant was instructed to submit special attention papers to her worker so that she could get assistance in obtaining her paycheck stub. It was also not contested that the Claimant received no telephone call or assistance. Therefore, when the Department took action to close the Claimant's FAP case due to her failure to submit the required verification, the Department was not acting in accordance with its policy.

The Administrative Law Judge, based upon 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 took action to close the Claimant's FAP case.

### **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. Redetermine the Claimant eligibility for FAP back to November 1, 2014, and

2. Issue the Claimant any supplements may thereafter be due.



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Susanne E. Harris  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: **12/22/2014**

Date Mailed: **12/22/2014**

SEH/hj

**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 48909-8139

cc:

