

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

**IN THE MATTER OF:**



Reg. No.: 201428537  
Issue No(s): 3003  
Case No.: [REDACTED]  
Hearing Date: March 19, 2014  
County: Genesee County DHS#2

**ADMINISTRATIVE LAW JUDGE:** Gary F. Heisler

**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 March 19, 2014, from Lansing, Michigan. Participants on behalf of Claimant included himself. Participants on behalf of the Department of Human Services (Department) included Hearing [REDACTED] [REDACTED]

**ISSUE**

Did the Department properly close Claimant's Food Assistance Program (FAP) on February 1, 2014?

**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 Food Assistance Program (FAP) benefits. Claimant's benefits were due for redetermination by January 31, 2014.
2. On December 11, 2013, Claimant submitted an application for Medical Assistance (MA) and Food Assistance Program (FAP) for himself, his wife and son.
3. On December 16, 2013, Claimant was sent a Redetermination Form (DHS-1010).
4. On December 16, 2013, Claimant participated in an in person interview in response to the December 11, 2013 application.
5. On December 17, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated his wife and son were approved for Medical Assistance (MA).
6. On December 17, 2013, Claimant was mailed a Verification Checklist (DHS Form 3503) for Medical Assistance (MA) and Food Assistance Program (FAP).

7. On January 8, 2014, Claimant was sent a Notice of Missed Appointment (DHS-254) form.
8. On January 31, 2014, Claimant's certification ended.
9. On February 3, 2014, Claimant was sent a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) closed due to his failure to provide verification of his own alien status.
10. On February 14, 2014, Claimant submitted a request for hearing.

### **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 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.

The Department asserts that Claimant's Food Assistance Program (FAP) was properly closed because he did not submit his Redetermination Form (DHS-1010). In spite of that fact the Department sent Claimant a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) closed because he did not submit verification of his own alien status. The Department was sending Claimant information generated from his application and the automated redetermination process. There is no evidence in this record that indicates either the Department case workers or the great and powerful BRIDGE knew exactly what was supposed to happen with Claimant's Food Assistance Program (FAP) benefits. It is no small wonder that Claimant was confused and unsure of exactly what was required of him.

A client must be provided noticed of what is required of them in order to receive assistance benefits. Contradicting notice of requirements does not constitute effective notice. In that absence of effective notice to a client of what is required of them in order to receive assistance benefits, a negative action is an incorrect action.

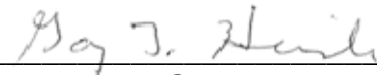
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Claimant's Food Assistance Program (FAP) on February 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 redetermination and process in accordance with Department policy to include effective notice of what is required to continue eligibility for assistance.

  
\_\_\_\_\_  
Gary F. Heisler  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: March 25, 2014

Date Mailed: March 25, 2014

**NOTICE OF APPEAL:** The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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

201428537/GFH

P.O. Box 30639  
Lansing, Michigan 48909-07322

GFH/hj

cc:

