

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

IN THE MATTER OF:

████████████████████
██
██

Reg No.: 2014-6171
Issue No.: 3001
Case No.: ██████████
Hearing Date: December 16, 2013
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was conducted held in Detroit, Michigan on Monday, December 16, 2013. Claimant appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████.

ISSUE

Whether the Department properly processed Claimant's Food Assistance Program (FAP) benefits redetermination.

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 FAP recipient.
2. On September 26, 2013, the Department received Claimant's redetermination packet. (Exhibit 1, pp. 4 – 7)
3. Claimant was authorized and paid FAP benefits in the amount of ██████████ in October 2013 and ██████████ as of November 2013. (Exhibit 1, p. 2; Exhibit 2)
4. The reduction in FAP benefits was due to a mass update and is not at issue.

5. On October 11, 2013, Claimant requested a hearing asserting her FAP benefits were scheduled for closure. (Exhibit 1, p. 3)

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Bridges Reference Tables (“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.

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 (November 2012), p. 5. For FAP purposes, benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is certified. BAM 210 (July 2013), p. 2. If the client does not complete the redetermination process, benefits expire at the end of the benefit period. BAM 210, p. 2. Verifications must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. BAM 201, p. 14. The FAP group loses its right to uninterrupted FAP benefits if it fails to submit verifications timely. BAM 210, p. 17. If the client takes the required action within 30 days after the end of the benefit period, the redetermination application is re-registered using the date client completed the process. BAM 210, p. 18.

In this case, a Claimant timely submitted a redetermination to the Department which the Department processed. No changes were reported and Claimant continued to receive the maximum FAP benefit amount of [REDACTED]. As noted above, due to a mass update, as of November 2013, the maximum amount of FAP benefits for a group of one was [REDACTED], which is what was authorized to Claimant.

During the hearing, Claimant contended she did not receive FAP benefits for October and November. Department submitted an eligibility summary which shows Claimant was authorized benefits for October and November; a benefit summary inquiry which showed benefits were paid for October and November; a recipient case management printout which showed a FAP balance of [REDACTED] a recipient transaction history which showed Claimant’s FAP purchases and the load of FAP benefits. In light of the foregoing, although Claimant denies receipt of the FAP benefits, the evidence establishes otherwise.

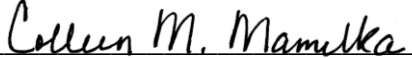
Ultimately, the Department established it acted in accordance with Department policy when it processed Claimant’s FAP redetermination. Accordingly, the Department’s actions are upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds the Department established it acted in accordance with department policy when it processed Claimant's FAP redetermination and issued benefits accordingly.

Accordingly, it is ORDERED:

The Department's FAP determination is AFFIRMED.


Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 20, 2013

Date Mailed: December 20, 2013

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

CMM/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]