

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-014273
Issue No.: 3001; 3002
Case No.: [REDACTED]
Hearing Date: December 17, 2014
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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, an in-person hearing was held on Wednesday, December 17, 2014, from Ypsilanti, Michigan. Participants on behalf of Claimant included the Claimant, the Claimant's attorney, [REDACTED], P# [REDACTED] and Law Clerk, [REDACTED], from [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], ES, [REDACTED], APSup/HF, and Assistant Attorney General, [REDACTED], P# [REDACTED] from the Michigan Attorney General's Office.

ISSUE

Did the Department properly deny the Claimant's application and close the 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 was a recipient of FAP benefits with a redetermination due by August 31, 2014 for her benefits to continue.
2. On July 15, 2014, the Department sent the Claimant a notice to the address of [REDACTED] for redetermination telephone interview and application due August 7, 2014.
3. On August 7, 2014, the Department sent the Claimant a notice to the address of [REDACTED] of the missed interview, DHS 254, where the Claimant had to reschedule her interview before August 31, 2014 or her redetermination would be denied and her FAP benefits would expire.
4. The Claimant reapplied for FAP benefits on September 15, 2014.

5. On September 17, 2014, the Department sent the Claimant a Verification Checklist for written verifications that were due on September 29, 2014 to the address of [REDACTED].
6. On October 17, 2014, the Department denied the Claimant's application due to the Claimant's failure to submit the required verification to determine FAP eligibility.
7. On October 17, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.
8. On October 15, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) 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.

Additionally, the Claimant had previously been a beneficiary of FAP benefits. She had had a previous mid-year certification for FAP in August 2013 with no changes. Department Exhibit B. She had a redetermination due by August 31, 2014. On July 15, 2014, the Department Caseworker sent the Claimant a notice of redetermination telephone interview and application due August 7, 2014 to the address of [REDACTED]. Department Exhibit a-a6. This was the last address on file for the Claimant since August 2013. The Department had no documentation from the Claimant that her address had changed. On August 7, 2014, the Department sent the Claimant a notice of missed interview, DHS 254, where she had to reschedule her interview before August 31, 2014 or her redetermination would be denied to the address of [REDACTED]. Department Exhibit b2. The Claimant failed to submit her redetermination application and submit to a telephone interview as a result, her FAP benefits expired on August 31, 2014. Department Exhibit d.

The Claimant applied for FAP benefits on September 15, 2014 at the address of [REDACTED], which was on her application. Department Exhibit A1-3. Her telephone interview was conducted on September 17, 2014 and her FAP case was opened for emergency FAP benefits. On September 17, 2014, the Department Caseworker sent the Claimant a Verification Checklist for written verifications that were due on September 29, 2014 to the address of [REDACTED]. Department Exhibit 5-6. The Claimant failed to provide the required verification by the due date on September 29, 2014. As a result, the Department Caseworker sent the Claimant a notice on October 17, 2014, that her FAP

case would be closing on October 1, 2014 due to failure to provide verification to the address of [REDACTED]. Department Exhibit 7-8. BEM 400 and 500.

During the hearing, the Claimant stated that she did not receive the information sent by the Department timely because they did not have her correct address. Documentation presented by the Department showed that when she reapplied on September 15, 2014 she used [REDACTED]. On October 9, 2014, she reported and verified a change of address to [REDACTED]. The Claimant has 10 days to report to the Department when her address has changed based on policy. There was no documentation provided that she had informed the Department of an address change since August 2013.

The Department has met their burden that the Claimant's FAP benefits expired because she did not submit a redetermination application or telephone interview by August 31, 2014 and her FAP case was closed because the Claimant failed to provide the required verification to determine continued FAP eligibility by September 29, 2014.

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 acted in accordance with Department policy when the Claimant's FAP benefits expired in August 31, 2014 and closed her FAP case for failure to provide the required verifications to determine continued eligibility for FAP by September 29, 2014.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **1/20/2015**

Date Mailed: **1/20/2015**

CGF/las

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:

