

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

**IN THE MATTER OF:**

██████████  
████████████████████  
██████████  
████████████████████

Reg. No.: 15-005028  
Issue No.: 3003, 1007  
Case No.: ██████████  
Hearing Date: May 14, 2015  
County: WAYNE-DISTRICT 55  
(HAMTRAMCK)

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

**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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on May 14, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, FIM, and ██████████, FIS.

**ISSUE**

Did the Department properly close the Claimant's FIP and FAP case?

**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 an ongoing recipient of FIP benefits and for several months her FIP benefits closed due to computer error regarding the FSSP information not transitioning into Bridges.
2. The closure and opening of Claimant's FIP benefits caused her FAP benefits to fluctuate due to FIP benefit amounts changing. Exhibit A.
3. The Claimant claimed to have not received FIP and FAP for March 2015.
4. The Claimant lost her Bridge Card and found it on May 9, 2015. The Claimant did not report the card stolen or lost. On March 4, 2015, Department records showed the Claimant's Bridge Card was used for a \$408 transaction. Exhibit D.

5. The Department issued FIP benefits to the Claimant on January 2, 2015 in the amount of \$274, March 3, 2015 in the amount of \$274 for February 2015, and another payment of \$274 in March to cover March 2015. Exhibit A.
6. The Claimant was sent a redetermination on December 16, 2014 to be returned January 2, 2015. Exhibit B. The redetermination was sent to the correct address. A Notice of Missed Interview was sent to the Claimant at the correct address on January 2, 2015 advising the FAP case would close January 31, 2015 if the missed interview was not rescheduled. The missed interview was not rescheduled. The Claimant first contacted the Department on February 19, 2015 regarding her FAP closure. Exhibit C.
7. The Department never received the redetermination and the missed interview was not rescheduled by the Claimant. The Department checked the phone log and it was determined that no call was received from the Claimant until February 19, 2015 after the case closure. The Claimant's FAP case closed January 31, 2015. The Claimant was aware that her FAP benefits were not received on February 19, 2015.
8. The Claimant applied for FAP benefits on February 25, 2015 and was approved and received \$41 in FAP for February 25 to February 28, 2015. The Claimant received \$191 in FAP benefits for March 2015. Both these benefits were put on Claimant's Bridge Card March 3, 2015. Exhibit A
9. The Claimant requested a hearing on March 23, 2015 protesting the Department's actions regarding non-receipt of FIP and FAP benefits in March 2015.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) 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-.3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP

pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

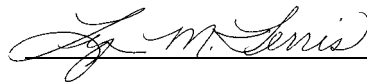
In this case, the Claimant testified that she did not receive her FIP benefits for March 2015. The Department indicated that due to a Bridges system error, the Claimant's FIP case kept closing incorrectly; however, the Department provided benefit issuance summaries demonstrating that FIP benefits were paid in full for February and March 2015. The Claimant received these FIP benefits on her Bridge Card on March 3, 2015. The Bridge Card was lost at the time. The card was found in May 2015 and the Bridge Card was never reported lost or stolen. Based upon the evidence presented, the Department demonstrated that the Claimant's FIP benefits for March 2015 were issued.

The Department sent the Claimant a redetermination and a Notice of Missed Interview for the redetermination and closed the Claimant's FAP case for failure to complete the redetermination. Exhibits B and C. The Claimant claimed to have filed the redetermination but none was received or shown received in the Department's records. The fact that the Claimant did not call her caseworker after the missed interview call on January 2, 2015 supports the Department's contention that the redetermination was never completed. As the Claimant did not call the Department until February 19, 2015, it is clear no attempt to reschedule the redetermination was made by the Claimant. This call was the only call received regarding the FAP benefits. The Claimant's caseworker kept a call log and would have called the Claimant on or after the redetermination date if the redetermination was received or a request to reschedule was made.

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 acted in accordance with Department policy when it closed the Claimant's FAP case for failure to complete the redetermination and that the Department issued all FAP and FIP payments for March 2015.

### **DECISION AND ORDER**

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



**Lynn M. Ferris**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Signed: **6/11/2015**

Date Mailed: **6/11/2015**

LMF / 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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

[REDACTED]