

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-010746
Issue No.: 3001, 3004
Case No.: [REDACTED]
Hearing Date: August 05, 2015
County: WAYNE-DISTRICT 17

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 August 5, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant, [REDACTED], also appeared as a witness for the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Assistance Payments Worker, and [REDACTED], FIM.

ISSUE

Did the Department properly process the Claimant's FAP case and 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. In January 2015 the Claimant was an ongoing FAP recipient. The Department did not pay the Claimant's FAP benefits from [REDACTED]; pending the case even though her case was open.
2. Pursuant to a redetermination for June 2015, the Department closed the Claimant's FAP case for failure to complete verifications. The Claimant completed the redetermination form. It was unclear whether, and when, the Department issued a Notice of Case Action closing the case as none was provided at the hearing.
3. The Claimant requested a timely hearing request on [REDACTED], protesting the Department's failure to process her FAP case.

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 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 Department conceded that it failed to properly process various verifications provided by the Claimant and did not follow up with the Claimant and continued to pend the FAP case rather than process the case from [REDACTED] through [REDACTED] when it closed the case. The Department's evidence did not establish what verifications were not returned or that any verifications were processed by the Department. Pursuant to a June 2015 redetermination, the Department closed the Claimant's FAP case on [REDACTED] retroactive to [REDACTED]. No notices were provided with the hearing summary. Based upon the information provided it is determined that the Department failed to meet its burden of proof to show that it properly closed the Claimant's FAP case and that it properly processed the case to determine eligibility for [REDACTED] ongoing.

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 failed to properly process verifications provided by the Claimant and failed to show that it properly closed the Claimant's FAP case at redetermination for failure to verify information.

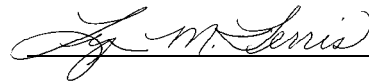
DECISION AND ORDER

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. The Department shall reinstate the Claimant's FAP case effective [REDACTED] and determine Claimant's ongoing eligibility. In the process of determining eligibility, the Department shall review the case file and consider and process any verifications received but never processed. If the Department requires any further verification it shall seek further verification in accordance with Department policy and assist the Claimant if employers are no longer available.
2. The Department shall issue a FAP supplement to the Claimant for FAP benefits, if any, she is otherwise eligible to receive in accordance with Department policy from [REDACTED].



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

Date Signed: **8/6/2015**

Date Mailed: **8/6/2015**

LMF / hw

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:

