

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

IN THE MATTER OF:

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

Reg. No.: 15-012773
Issue No.: 1002;3001
Case No.: ██████████
Hearing Date: August 27, 2015
County: Wayne-District 19 (Inkster)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 27, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Assistance Payment Worker.

ISSUE

Did the Department properly process Claimant's Food Assistance Program (FAP) benefits and terminate her Family Independence Program (FIP) benefits?

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 FAP and FIP benefits.
2. On May 13, 2015, an administrative hearing was held with respect to the calculation of Claimant's FAP benefits. (Exhibit A)
3. The Hearing Decision associated with the above referenced administrative hearing was mailed on May 21, 2015, and the Administrative Law Judge (ALJ) found that the Department did not act in accordance with Department policy when it calculated Claimant's FAP benefits for the month of February 2015. The ALJ ordered the Department to initiate certain actions with respect to Claimant's FAP benefits for February 2015. (Exhibit A)

4. On June 12, 2015, the Department sent Claimant a Notice of Case Action informing her that effective July 1, 2015, her FAP benefits would be increased to \$736 and that effective July 1, 2015, her FIP benefits would be terminated on the basis that she failed to verify requested information. (Exhibit D)
5. On July 13, 2015, Claimant requested a hearing disputing the Department's actions with respect to the Department's failure to implement the prior hearing decision and with respect to the closure of her FIP 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).

Claimant requested a hearing disputing the Department's actions with respect to her FAP and FIP benefits. Claimant raised two concerns at the hearing: (i) the Department's failure to supplement her for missed FAP benefits for the month of February 2015; and (ii) the Department's closure of her FIP case effective July 1, 2015.

FAP

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.

The Hearing Decision mailed on May 21, 2015, orders the Department to: (i) Recalculate Claimant's FAP benefits for February 2015; (ii) Issue supplements to Claimant for any FAP benefits that she was eligible to receive but did not for February 2015; and (iii) Notify Claimant in writing of its decision. (Exhibit A).

According to BAM 600, the Department is to implement and certify a decision and order within ten calendar days of the mailing date on the hearing decision. BAM 600 (April 2015), pp. 41-43. When a hearing decision requires a case action different from the one originally proposed, a DHS-1843, Administrative Hearing Order Certification is sent with the decision and order. The Department is to complete the necessary case action and send the DHS-1843 to MAHS to certify implementation and place a copy of the form in the case file. BAM 600, p. 42.

At the hearing, the Department testified that it recalculated Claimant's FAP benefits for the month of February 2015, but due to a system error, Bridges approved a FAP supplement for the entire period from January 1, 2015, to June 30, 2015, rather than just the month of February 2015 as ordered in the prior Hearing Decision. The Department stated that Claimant was entitled to a FAP supplement for the month of February 2015 and acknowledged that as of the hearing date, the supplement had not been issued. The Department testified that a Help Desk Ticket has been requested to correct the problem so that Claimant only receives the supplement for the month of February 2015 and not for the period of January 1, 2015, to June 30, 2015, however, as of the hearing date, the help desk ticket had not been resolved. (Help Desk Ticket No. [REDACTED]).

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 did not act in accordance with Department policy when it processed Claimant's FAP benefits.

FIP

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.

In this case, the Department testified that on June 12, 2015, it sent Claimant a Notice of Case Action informing her that effective July 1, 2015, her FIP benefits would be terminated on the basis that she failed to verify requested information. (Exhibit D). The Department stated that the closure of Claimant's FIP case was done in error, as the redetermination form was never sent to Claimant because the pending help desk ticket referenced above placed a hold on all of Claimant's cases with the Department. The Department confirmed that Claimant's FIP case should be reinstated, but stated that the certification/reinstatement cannot be completed until the help desk ticket is resolved.

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 did not act in accordance with Department policy when it closed Claimant's FIP case effective July 1, 2015.

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. Resolve the pending Help Desk Ticket (Ticket Number [REDACTED]);
2. Recalculate Claimant's FAP benefits for February 2015;
3. Issue supplements to Claimant for any FAP benefits she was eligible to receive but did not for February 2015;
4. Reinstate Claimant's FIP case effective July 1, 2015;
5. Issue supplements to Claimant for FIP benefits from July 1, 2015, ongoing, in accordance with Department policy; and
6. Notify Claimant of its decision in writing.



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **9/4/2015**

Date Mailed: **9/4/2015**

ZB / tlf

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;

