

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

IN THE MATTER OF:



MAHS Reg. No.: 15-015201
Issue No.: 2000, 3002
Agency Case No.: [REDACTED]
Hearing Date: October 21, 2015
County: OAKLAND-DISTRICT 3
(SOUTHFIELD)

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 October 21, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Health and Human Services (Department) included Hearing Facilitator [REDACTED]. During this hearing Claimant testified that the Medical Assistance (MA) issue has been resolved. That portion of this case is dismissed.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) beginning August 1, 2015?

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 Food Assistance Program (FAP) benefits. Claimant's Food Assistance Program (FAP) was due for redetermination by August 1, 2015.
2. On June 16, 2015, Claimant was sent a Redetermination (DHS-1010) form.
3. On July 1, 2015, Claimant returned the Redetermination (DHS-1010).

4. On July 22, 2015, Claimant was sent a Verification Checklist (DHHS-3503) requesting verification of her savings account, checking account and earned income.
5. On July 29, 2015, Claimant was sent another Verification Checklist (DHHS-3503) requesting verification of her loss of employment and earned income. The verifications were due on August 10, 2015.
6. On August 13, 2015, Claimant submitted a hearing request.
7. On August 24, 2015, the Department had not received verification of Claimant's savings account. Claimant was sent a Notice of Case Action (DHHS-1605) which stated her Food Assistance Program (FAP) was closed from August 1, 2015 ongoing.

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, Claimant's hearing request was for both Medical Assistance (MA) and Food Assistance Program (FAP). The Hearing Summary (DHHS-3050) for the hearing packet sent from the Department did not indicate there was a Food Assistance Program (FAP) issue. The hearing packer sent from the Department did not contain evidence regarding Claimant's Food Assistance Program (FAP). Michigan Administrative Hearing System (MAHS) did not code this case file for a Food Assistance Program (FAP) issue. At the time of hearing the request for a Food Assistance Program (FAP) hearing was discovered. An Administrative Law Manager directed that the hearing not be adjourned and to go forward. Testimony was received from both Claimant and the Department representative. Additional Departmental documentation was sent in following the hearing.

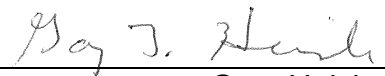
During this hearing Claimant testified that she did not know the Department needed verification of her savings account. The July 22, 2015, Verification Checklist (DHHS-3503) specifically requested verification of Claimant's savings account. Verification of Claimant's savings account was required in order to complete her Food Assistance Program (FAP) eligibility re-determination.

Claimant's Food Assistance Program (FAP) eligibility was being re-determined for a new certification period that would begin August 1, 2015. In accordance with Bridges Administration Manual (BAM) 210 Redetermination/Ex Parte Review, Claimant's benefits did not continue beyond her previous eligibility certification period because the re-determination had not been completed. The August 24, 2015 Notice of Case Action (DHHS-1605) provided notice that Claimant's re-determination was denied. Because her Food Assistance Program (FAP) benefits did not continue after July 31, 2015, the August 24, 2015 Notice of Case Action (DHHS-1605) did not retroactively end Claimant's Food Assistance Program (FAP) benefits.

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 Claimant's Food Assistance Program (FAP) beginning August 1, 2015.

DECISION AND ORDER


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



Gary Heisler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **10/26/2015**

Date Mailed: **10/26/2015**

GFH / 

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:

