

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-022803
Issue No.: 3002
Agency Case No.: [REDACTED]
Hearing Date: January 26, 2016
County: OAKLAND 2

ADMINISTRATIVE LAW JUDGE: Gary Heisler

HEARING DECISION

Following Petitioner'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 January 26, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department was represented by Assistance Payments Worker [REDACTED] and Family Independence Manager [REDACTED].

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) beginning November 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 under the Simplified Reporting category.
2. On September 1, 2015, Claimant was sent a Semi-Annual Contact Report (DHS-1046) which was due with proof of changes by October 1, 2015.
3. On September 19, 2015, Claimant returned the Semi-Annual Contact Report (DHS-1046). On the form she indicated that she had a change in earnings due to changing jobs but that her income had not changed by more than \$ [REDACTED] from the amount her benefits were based on.
4. On October 21, 2015, Claimant was sent a Verification Checklist (DHS-3503) which requested verification of: her new employment; loss of her previous

employment; and her rent expense. Those verifications were due on November 2, 2015.

5. On October 29, 2015, Claimant submitted pay check stubs from her current employment and verification of her rent.
6. On October 30, 2015, Claimant was sent another Verification Checklist (DHS-3503) which requested verification of her accounts at Michigan First CU, Best Bank and Genisys CU. The verifications were due on November 9, 2015.
7. On November 9, 2015, Claimant submitted a statement from Genisys CU. On the statement Claimant wrote "Best Bank closed 1 year Michigan First closed on September 9/29/15."
8. On November 18, 2015, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) was closed beginning November 1, 2015 for failure to provide verification of her loss of previous employment, Michigan First CU accounts, and Best Bank accounts.
9. On December 3, 2015, Claimant submitted a hearing request.

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 November 18, 2015 Notice of Case Action (DHS-1605) applied a retroactive closure of Claimant's Food Assistance Program (FAP) to November 1, 2015. This type of retroactive negative action is a correct action when recipient's eligibility is being re-determined and the redetermination is not completed until after the recipient's certification period has ended.

Bridges Administration Manual (BAM) 210 Redetermination/Ex Parte Review appears to provide guidance that a Semi-Annual Review of a Simplified Reporting Food Assistance Program (FAP) is an eligibility redetermination occurring at the end of a certification period. In the introduction, it states that "Redetermination, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs."

However, Bridges Administration Manual (BAM) 200 Food Assistance Simplified Reporting (12-1-2013) clearly states that recipients assigned to SR FAP are assigned a 12 month certification period and are required to have a semi-annual review at 6 months. That contradicts any assumption that a Semi-Annual Review is done at the end of a certification period. Furthermore, in the Redetermination Cycle section of BAM 210 Redetermination/Ex Parte Review, it states that “Redeterminations may be scheduled early or are scheduled less than 12 months apart when necessary for” error prone cases, MA newborn cases, and FAP cases with unstable circumstances assigned a three month benefit period. Being on FAP Simplified Reporting is not identified as one of those circumstances.

The crux of what appears to be ambiguity is use of the word “redetermination”. Any time a recipient’s eligibility is reviewed and changed, it is a redetermination of eligibility. A redetermination of eligibility can occur at any time during a recipient’s annual certification period. However, the Department has different policies on the processing, deadlines and end results for redeterminations which occurring *during* the certification period ((BAM) 220 Case Actions) as opposed to occurring at the *end* of the certification period ((BAM 210 Redetermination/Ex Parte Review). Redeterminations which occur at the end of a certification are scheduled redeterminations. A Simplified Reporting Food Assistance Program (FAP) Semi-Annual Review is not a scheduled redetermination.

BAM 210 Redetermination/Ex Parte Review includes guidance on processing a Semi-Annual Review and thus creates an incorrect assumption that a recipient of Simplified Reporting FAP benefits is on a 6 month certification period/schedule.

Bridges Administration Manual (BAM) 200 Food Assistance Simplified Reporting (12-1-2013) provides the following direction:

DEPARTMENT POLICY

Food assistance groups with countable earnings, as currently defined in the BEM 500 series, are assigned to the simplified reporting (SR) category. This reporting option increases Food Assistance Program (FAP) participation by employed households and provides workload relief.

REQUIREMENTS

Simplified reporting groups are required to report **only** when the group’s actual gross monthly income (**not** converted) exceeds the SR income limit for their group size. **No** other change reporting is required.

ASSIGNING BENEFIT PERIODS

Applications and Redeterminations

Groups meeting the SR category at application and redetermination are assigned a 12-month benefit period and are required to have a semi-annual contact.

PROCESSING CHANGES AND CASE ACTIONS

Benefit Increases/ Decreases

Timely action (within 10 days or other time frame specified in policy) **must** be taken on **all** reported changes such as applying for another program, regardless of whether the client is required to report the change; see BAM 220.

Processing Changes Reported on a DHS-1046, Semi-Annual Contact Report

When processing the DHS-1046 adequate notice is given for all discovered changes. These include changes such as automated system matches (consolidated inquiry, State On-line Query (SOLQ), reported for other programs and/or reported on the DHS-1046. Complete the budget to affect no later than the 7th month's benefits. Changes reported on the DHS-1046 and discovered through checking the automated system matches must be acted upon for all other programs according to case action policy in BAM 220.

BAM 200, cited above, is the basis for finding that: Claimant had a 12 month certification period; Claimant was not at the end of the 12 month certification period when her Semi-Annual Contact Report (DHS-1046) was due; that Claimant was only required to report if her income exceeded the SR income limit for her group; and that adequate notice is given for all changes discovered during processing of a Semi-Annual Contact Report (DHS-1046).

Bridges Administration Manual (BAM) 210 Redetermination/Ex Parte Review, provides the following directions:

DEPARTMENT POLICY

All Programs

Redetermination, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs.

REDETERMINATION CYCLE

All Programs

A complete redetermination is required at least every 12 months. Bridges sets the redetermination date according to benefit periods; see Eligibility Decisions in BAM 115. Redeterminations may be scheduled early or are scheduled less than 12 months apart when necessary for:

Error-prone cases, in response to supervisory case readings, quality assurance data or quality enhancement data.

MA only, newborn cases must be renewed no later than the month of the child's first birthday; see Bridges Eligibility Manual (BEM) 145.

Food Assistance Program (FAP) cases with unstable circumstances assigned a three-month benefit period.

Exception #1: Some MA groups do **not** require a renewal; see No MA Renewal in this item.

Exception #2: Some FAP groups are assigned a 24-month benefit period and **require only** a mid-certification contact in the 12th month; see Mid-Certification Contact in this item. For MA, a companion case for a spouse may also be given the extended benefit period once the mid-certification notice has been received and reviewed. Michigan Combined Application Project (MiCAP) cases are assigned a 36-month benefit period.

FAP Only

Benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is certified. If the client does not begin the redetermination process, allow the benefit period to expire. The redetermination process begins when the client files a DHS-1171, Assistance Application; DHS-1010, Redetermination; DHS-1171, Filing Form; DHS-2063B, Food Assistance Benefits Redetermination Filing Record. See; **Subsequent Processing** in this item.

Mid-Certification/ Semi-Annual Contact

FAP Only

Bridges sends a DHS-2240-A, Mid-Certification Contact Notice, for groups assigned a 24-month benefit period during the 11th month of their benefit period and a DHS-1046, Semi-Annual Contact Report, the beginning of the fifth month for cases assigned a 12-month benefit period.

Note: Manually send from Bridges and track the DHS-1046 if it is discovered that a case was not correctly assigned as a simplified reporter by the last day of the fourth month of the benefit period.

Groups assigned a 24-month benefit period must submit a complete DHS-2240-A, Mid-Certification Contact Notice. A complete DHS-1046, Semi-Annual Contact Report, must be submitted by groups with countable earnings and a 12-month benefit period; see BAM 115, Benefit Periods.

The DHS-1046 and DHS-2240A may be completed by the client, the client's authorized filing representative or by the specialist (during a telephone call, home call or interview with the client). However, the form must be signed by the client or authorized filing representative.

A report is considered complete when all of the sections (including the signature section) on the DHS-1046 and the DHS 2240-A are answered completely **and** required verifications are returned by the client or client's authorized representative. If an expense has changed and the client does not return proof of the expense, but all of the sections on the report are answered completely, remove the expense from the appropriate data collection screen in Bridges before running eligibility determination and benefit calculation (EDBC).

24-Month Benefit Period

The mid-certification contact notice must be recorded, data collection updated and EDBC results certified in Bridges by the last day of the 12th month after a completed DHS-2240-A and all required verifications are received.

Note: Run EDBC even if the client indicates no changes so Bridges will recognize the DHS-2240-A has been processed.

12-Month Benefit Period

The semi-annual contact report must be recorded, data collection updated and EDBC results certified in Bridges by the last day of the sixth month of the benefit period to affect benefits no later than the seventh month. The contact is met by receipt of a completed DHS-1046 and required verifications.

Processing DHS-1046

The client's gross earned income from his/her most current budget is pre-filled on the DHS-1046. If the client's gross income has changed by more than \$100 from the pre-filled amount on the form, he/she must return verification of his/her past 30 days of earnings with his/her completed DHS-1046.

If the client indicates his/her gross earned income has **not** changed by more than \$100, verification of the past 30 days is not required. However, income **must** be budgeted and EDBC run if a client checks "No" to the questions, but supplies proof of income.

Note: Run EDBC so Bridges will recognize the DHS-1046 has been processed.

Failure to Record Receipt of the Semi-Annual Contact Report

If the DHS-1046 is not logged in Bridges by the 10th day of the sixth month, Bridges will generate a DHS-1046A, Potential Food Assistance (FAP) Closure, to the client. This reminder notice explains that the client must return the DHS-1046 and all required verifications by the last day of the month, or the case will close.

If the client fails to return a complete DHS-1046 by the last day of the sixth month Bridges will automatically close the case. If the client reapplies, treat it as a new application and Bridges will prorate the benefits.

If the completed DHS-1046 and verifications are returned by the last day of the sixth month, process the changes to ensure the client's benefits are available no later than 10 days after their normal issuance date in the seventh month of the benefit period.

VERIFICATION DEADLINE

FAP Only

Verifications must be provided by the end of the current benefit period **or** within 10 days after they are requested, whichever allows more time. If the tenth day falls on a weekend or holiday, the verification will not be due until the next business day.

Note: The DHS-3503, Verification Checklist, should be sent after the redetermination interview for any missing verifications allowing 10 days for their return.

Example: Client returns a complete DHS-1010 on the last day of the benefit period and fails to provide verification of income. Request income verification allowing the client 10 days to return verification.

If verifications are provided by the required deadline but too late for normal benefit issuance, benefits must be issued within five workdays.

Note: If an expense has changed and the client does not return proof of the expense, but all of the sections on the report are answered completely, end-date the expense from the appropriate data collection screen(s) in Bridges before running EDBC.

BAM 210, cited above, is the basis for finding that a SR Semi-Annual Review is NOT a "scheduled redetermination" for a period of less than 12 months. An SR Semi-Annual Review does NOT meet the criteria cited above as a "scheduled redetermination" for a period of less than 12 months. This finding is in concert with the fact that an SR Semi-Annual Review does NOT mark the end of a certification period.

Application of Department policy in BAM 200 and 210, to the facts of this case establish that; Claimant was on FAP Simplified Reporting; she was on a 12 month certification period; that her 12 month certification period was not ending because she was sent a Semi-Annual Contact Report (DHS-1046); and that a Semi-Annual Review is a scheduled review for a period of less than 12 months but is not a "scheduled redetermination" for a period of less than 12 months.

If a client reports no changes at a scheduled Food Assistance Program (FAP) redetermination, everything must still be verified, an interview must be conducted and eligibility determined before another certification period can be approved. Every scheduled Food Assistance Program (FAP) redetermination results in an eligibility determination being made following an interview and receipt of required verifications. Policy guidance for processing a Semi-Annual Contact Report (DHS-1046) specifies

that “If the client indicates his/her gross earned income has **not** changed by more than \$100, verification of the past 30 days is not required.” Whether a full eligibility determination is made following receipt of required verifications at a scheduled Semi-Annual Review depends on whether changes that effect eligibility are reported. BAM 210 does direct that an eligibility determination/benefit calculation EDBC be run in order for BRIDGES to recognize that a Semi-Annual Contact Report (DHS-1046) has been processed. However, there is no requirement for an interview at SR FAP Semi-Annual Review.

Due to programing errors, BRIDGES incorrectly applied portions of Department policy applicable to a scheduled redetermination occurring at the *end* of the certification period, to a redetermination which resulted from a scheduled review that occurred *during* the certification period. The impact of the programming error is that a retroactive closure was applied to Claimant’s Food Assistance Program (FAP) as if her FAP certification had ended without completion of an eligibility determination and certification of a new benefit period. A redetermination resulting from changes discovered during the processing of a Semi-Annual Contact Report (DHS-1046) should be conducted in accordance with Bridges Administration Manual (BAM) 220 Case Actions.

Bridges Administration Manual (BAM) 220 Case Actions provides:

DEPARTMENT POLICY

Family Independence Program (FIP), Refugee Cash Assistance (RCA), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Food Assistance Program (FAP)

Process the following case actions:

Initial applications and reapplications; Bridges Administrative Manual (BAM) 115, Application Processing.

Redeterminations; BAM 210,

Reinstatements; BAM 205.

Bridges will evaluate each change reported and entered in the system to determine if it affects eligibility.

Changes in circumstances may be reported by the client, via computer tape matches, through quality assurance (QA) reviews, or by other means.

A **positive action** is a Michigan Department of Health & Human Services (MDHHS) action to approve an application or increase a benefit.

A **negative action** is a MDHHS action to deny an application or to reduce, suspend or terminate a benefit. This includes an increase in a post-eligibility

patient-pay amount for MA or an increase in the client pay for a special living arrangement.

NOTICE OF CASE ACTIONS

All Programs

Upon certification of eligibility results, Bridges automatically notifies the client in writing of positive and negative actions by generating the appropriate notice of case action. The notice of case action is printed and mailed centrally from the consolidated print center.

For **FAP Only**, see Actions Not Requiring Notice in this item.

Exception: Written notice is **not** required to implement a hearing decision or policy hearing authority decision.

Refer to policy in BAM 600, Hearings, if a client disputes a case action.

There are two types of written notice: **adequate** and **timely**.

Adequate Notice

An adequate notice is a written notice sent to the client at the same time an action takes effect (not pended). Adequate notice is given in the following circumstances:

All Programs

Approval/denial of an application.
Increase in benefits.

FAP Only

Negative action results from information on the DL-060, Child Support Information Report.

The change was reported in writing and signed by an eligible group member **and** the new benefit level or ineligibility can be determined based **solely** on the written information.

Reliable information indicates the group will leave the state before the next issuance.

Changes reported on a DHS-1046, Semi-Annual Contact Report.

Timely Notice

All Programs

Timely notice is given for a **negative action** unless policy specifies adequate notice or no notice. See Adequate Notice and, for CDC and FAP only, Actions Not Requiring Notice, in this item. A timely notice is mailed at least 11 days before the intended negative action takes effect. The action is pending to provide the client a chance to react to the proposed action.

Actions Not Requiring Notice

FAP Only

A notice of case action is **not** sent in the situations below. The action must take effect no later than the month after the change.

Reliable information indicates the group left the state.

Reliable information indicates all members died. Reliable sources generally include a newspaper, friends or relatives of the group, or other agencies.

Supplementation over multiple months to restore lost benefits is completed; see BAM 406, Supplemental Food Assistance Benefits.

From a joint FIP/SDA and FAP application, the FAP benefit began first **and** the FAP approval letter indicated the benefit might decrease if FIP/SDA were later approved.

The FAP benefit varies from month to month within the benefit period due to changes anticipated when the case was certified, **and** the group was so notified at that time.

Benefits are reduced for failure to repay a FAP over-issuance that resulted from IPV (BAM 720, Intentional Program Violation) or client error (BAM 715, Client/CDC Provider Violation). See BAM 725, Collection Actions.

The FAP certification period has expired and redetermination application was not filed.

The group voluntarily requests closure in writing.

The reason the Department is closing Claimant's Food Assistance Program (FAP) in this case, is based on failure to provide verification of loss of previous employment. Both BAM 200 and BAM 220 provide that adequate notice is appropriate for changes reported on a Semi-Annual Contact Report (DHS-1046).

Specifically unique to this case, is the fact that on the Semi-Annual Contact Report (DHS-1046) Claimant indicated that her income had changed due to a change of

employment but that her income had not changed by more than \$100 from her SR income limit. The Department does not assert that she is ineligible because she changed employment. The Department asserts that her Food Assistance Program (FAP) should close because she failed to provide verification of the loss of her previous employment.

Lest we forget, BAM 210 states:

Processing DHS-1046

The client's gross earned income from his/her most current budget is pre-filled on the DHS-1046. If the client's gross income has changed by more than \$100 from the pre-filled amount on the form, he/she must return verification of his/her past 30 days of earnings with his/her completed DHS-1046.

If the client indicates his/her gross earned income has **not** changed by more than \$100, verification of the past 30 days is not required. However, income **must** be budgeted and EDBC run if a client checks "No" to the questions, but supplies proof of income.

Note: Run EDBC so Bridges will recognize the DHS-1046 has been processed.

On September 17, 2015, when Claimant submitted the Semi-Annual Contact Report (DHS-1046), she answered yes to one question, no to one question and did not provide proof of income. Because this is not a scheduled redetermination at the end of a certification period, verification of EVERYTHING is not required. The policy cited immediately above specifies that verification of Claimant's past 30 days of income is not required. The policy cited immediately above also states the only need to run an EDBC is so BRDIGES will recognize the Semi-Annual Contact Report (DHS-1046) has been processed.

It is noted that the Semi-Annual Contact Report (DHS-1046) does state "it is time for your 6-month review. You must complete this form, sign and date it, and return it to your specialist with proof of changes by 10/1/2015, or your Food Assistance case will close effective 10/31/2015." That notice is consistent with the section of BAM 210 which states "If the client fails to return a complete DHS-1046 by the last day of the sixth month Bridges will automatically close the case." However, it is not consistent with the section of BAM 220 which directs that no notice is required when a FAP certification period has expired and redetermination application was not filed.

The Semi-Annual Contact Report (DHS-1046) also state "If someone's job has ended in the past 6 months and it was not reported, provide proof, such as a statement from the previous employer." Claimant was sent a Verification Checklist (DHS-3503) on October 21, 2015 requesting her last 30 days of earned income, verification of loss of her previous income including her final check stubs, and verification of her shelter expenses.

The notice requirements from Bridges Administration Manual (BAM) 220 Case Actions, cited above, direct that the action in this case requires timely notice. BAM 220 states that only adequate notice is required for a Food Assistance Program (FAP) case action based on a change reported on a Semi-Annual Contact Report (DHS-1046). In this case Claimant indicated that she changed employment on the Semi-Annual Contact Report (DHS-1046). The Department does not assert that she is ineligible because she changed employment. The Department asserts that her Food Assistance Program (FAP) should close because she failed to provide verification of the loss of her previous employment.

Bridges Administration Manual (BAM) 220 Case Actions does not provide guidance on verification issues. Therefore, the guidance in Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts is controlling. The guidance on verifications in Bridges Administration Manual (BAM) 210 Redetermination/Ex Parte Review is not applicable because it specifies: "Verifications must be provided by the end of the current benefit period **or** within 10 days after they are requested, whichever allows more time." Claimant's benefit period in this case was 12 months. The semi-annual review is intended to conclude by the end of the 6th month. If you want to apply the verification policy in BAM 210, the requested verifications would not be due for 6 more months.

Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts provides:

Timeliness of Verifications

FIP, SDA, Child Development and Care (CDC), FAP

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification that is requested.

CDC Only

If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once.

At redetermination, if a signed DHS-1010 or application is received, generate a VCL and allow 10 calendar days for the client to provide the verifications. If the verifications are not returned or are returned as incomplete, two 10 calendar day extensions must be given, sending VCLs after each verification due date. Clients are not required to request the extensions.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a MDHHS representative are considered to be received the next business day.

Send a negative action notice when:

The client indicates refusal to provide a verification, **or**
The time period given has elapsed and the client has **not** made a reasonable effort to provide it.

Note: For FAP only, if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, assist the client with the verifications but do not grant an extension. Explain to the client they will not be given an extension and their case will be denied once the VCL due date is passed. Also, explain their eligibility will be determined based on their compliance date if they return required verifications. Re-register the application if the client complies within 60 days of the application date; see BAM 115, Subsequent Processing.

Only **adequate** notice is required for an application denial. **Timely** notice is required to reduce or terminate benefits.

To reiterate, Claimant's 12 month certification period was not ending at the close of her sixth month, when her semi-annual review was being conducted. The Department issued two separate Verification Checklists (DHS-3503), one on October 21, 2015 due back on November 2, 2015 and the other on October 30, 2015 due back on November 9, 2015. The Department sent the Notice of Case Action (DHS-1605) in this case on November 18, 2015. In accordance with BAM 130, the Department could not, and did not; send a negative action notice until the time period allowed to provide the verification was over.

The action which the Department intends to take in this case is closure for failure to provide required verifications. That action requires timely notice which is mailed at least 11 days before the intended negative action takes effect. That is because the action is pending to provide the client a chance to react to the proposed action. However, the Department's November 18, 2015 Notice of Case Action (DHS-1605) closes Claimant's Food Assistance Program (FAP) retroactively back to November 1, 2015. In accordance with Department policy, that is an incorrect action.

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 Food Assistance Program (FAP) beginning November 1, 2015.

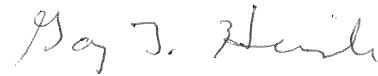
DECISION AND ORDER

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. Reinstate Claimant's Food Assistance Program (FAP).
2. Re-determine her Food Assistance Program (FAP) eligibility from November 1, 2015 ongoing.
3. Issue Claimant a current Notice of Case Action (DHS-1605) providing her re-determined Food Assistance Program (FAP) eligibility from November 1, 2015 ongoing.



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

Date Mailed: **2/5/2016**

GH/nr

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:

