



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: May 25, 2016
MAHS Docket No.: 16-004957
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 May 17, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly correct the case closure and reopened the Petitioner's Food Assistance Program (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 Petitioner was a recipient of FAP benefits with a redetermination due.
2. On March 1, 2016, the Department sent the Petitioner a case closure notice.
3. On March 2, 2016, the Petitioner submitted her Redetermination Application, DHS 1010, to the Department. Department Exhibit b1-9.
4. On March 2, 2016, the Petitioner submitted her Assistance Application, DHS 1171, to the Department. Department Exhibit c1-13.

5. On March 3, 2016, the Department sent the Petitioner a Verification Checklist, DHS 3503, which was due March 14, 2016 to provided verification to determine continued eligibility for FAP. Department Exhibit d1-4.
6. On March 3, 2016, the Petitioner faxed verifications to the Department of her verification of employment. Department Exhibit e1-6.
7. On April 8, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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 Petitioner was a recipient of FAP benefits with a redetermination due. In March 1, 2016, the Department sent the Petitioner a case closure notice. On March 2, 2016, the Petitioner submitted her Redetermination Application, DHS 1010, to the Department. Department Exhibit b1-9. On March 2, 2016, the Petitioner submitted her Assistance Application, DHS 1171, to the Department. Department Exhibit c1-13. On March 3, 2016, the Department sent the Petitioner a Verification Checklist, DHS 3503, which was due March 14, 2016 to provided verification to determine continued eligibility for FAP. Department Exhibit d1-4. On March 3, 2016, the Petitioner faxed verifications to the Department of her verification of employment. Department Exhibit e1-6. On April 8, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 130, 210, and 220. BEM 400, 501, and 554.

During the hearing, the Department stated that the Petitioner's FAP case had closed in error and was reinstated. She had her FAP interview with her Department Caseworker and submitted her required verifications. However, she has a pending Office of the Inspector General Fee Referral investigation so her benefits were frozen until the investigation is over.

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 reopened and reinstated the Petitioner's FAP benefits.

DECISION AND ORDER

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

Carmen G. Fahie

CF/las

Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]