



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 4, 2016
MAHS Docket No.: 16-000905
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

PROCEDURAL HISTORY

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 March 3, 2016, from Lansing, Michigan. The Petitioner, [REDACTED], appeared and testified. The Department of Health and Human Services (Department) was represented by Hearing Facilitator, [REDACTED].

The Department offered the following exhibit which was admitted into evidence:

A -- DHS-574, Redetermination Telephone Interview and DHS 1010, Redetermination.

ISSUE

Did the Department properly determined the Petitioner's eligibility for Food Assistance Program (FAP) benefits promptly?

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 monthly FAP benefits in the amount of \$ [REDACTED]. The Petitioner was also a recipient of Medical Assistance (MA) and Child Development and Care (CDC).

2. On November 16, 2015 the Petitioner was mailed a DHS 1010, redetermination packet.
3. On November 30, 2015, the Petitioner submitted the completed redetermination packet.
4. The Department wrongly concluded that the Petitioner had not submitted a redetermination packet by December 1, 2015, the date that it was due.
5. There is no DHS-1605, Notice of Case Action in evidence. Presumably, at some point in time, the Petitioner was notified that her FAP and MA would close due to her failure to submit her redetermination packet as she later protested that action.
6. On January 22, 2016, the Department received the Petitioner's written hearing request protesting the closure of her MA, FAP and CDC. This request was, and remains, unsigned.

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).

With the exception of a hearing which is related to FAP, a request for hearing must be in writing and signed by the Petitioner, or authorized representative. Rule 400.904(1). As such, this Administrative Law Judge has no jurisdiction to hear any other issue outside of the Petitioner's FAP case. Any issues regarding the Petitioner's MA and CDC cases are hereby **DISMISSED** for lack of jurisdiction.

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 on the record that it erred and that the Petitioner was due a supplement in her FAP benefits for the time period between 1-22 of January. The Petitioner testified on the record that this is also what she felt was due on her FAP case.

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 the Claimant's FAP case.

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. Redetermine the Petitioner's eligibility for FAP back to January 1, 2016, and
2. Issue the Petitioner any supplement she may thereafter be due, and
3. Issue a bridges help desk ticket to assist with expediting this order.



SH/nr

Susanne E. Harris
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]

Petitioner

[REDACTED]