



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR



Date Mailed: June 12, 2018
MAHS Docket No.: 18-004663
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, a telephone hearing was held on June 6, 2018, from Lansing, Michigan. The hearing testimony was translated for Petitioner by Khalib #8446 of Linguistica International. Petitioner represented herself. The Department of Health and Human Services was represented by Kathryn Armstrong and Melinda Timmer.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Food Assistance Program (FAP) 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. Petitioner was a Food Assistance Program (FAP) recipient on February 5, 2018, when the Department sent her a Redetermination (DHS-1010), sent to her correct mailing address, with a March 7, 2018, due date. Exhibit A, pp 6-3.
2. On March 7, 2018, the Department had not received Petitioner's Redetermination (DHS-1010) form and sent her a Notice of Missed Interview (DHS-254). Exhibit A, p 14.
3. On April 16, 2018, the Department received Petitioner's Assistance Application (MDHHS-1171). Exhibit A, pp 16-29.

4. On April 24, 2018, the Department notified Petitioner in a Notice of Case Action (DHS-1605), addressed incorrectly, notifying her that she was approved for a \$90 monthly allotment of Food Assistance Program (FAP) benefits for April of 2018, and a \$192 allotment of Food Assistance Program (FAP) benefits for May of 2018. Exhibit A, pp 33-34.
5. The Department registered the April 16, 2018, under an incorrect mailing address based on a mis-reading of the handwritten form completed by Petitioner. Exhibit A, p 17.
6. Department records indicate that Petitioner's correct mailing address was corrected on May 2, 2018. Exhibit A, p 30.
7. Petitioner was issued a Food Assistance Program (FAP) supplement raising her monthly allotment of FAP benefits for April of 2016, to \$96. Exhibit A, p 32.
8. On May 2, 2018, the Department received Petitioner's request for a hearing protesting the amount of her monthly allotment of Food Assistance Program (FAP) benefits for April of 2018. Exhibit A, pp 2-5.
9. On May 7, 2018, the Department received a duplicate request for a hearing. Exhibit A, pp 2-5.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (January 1, 2018), p 8.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The

Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (April 1, 2017), pp 1-10.

A notice of case action is not sent when the FAP certification period has expired and redetermination application was not filed. Department of Health and Human Services Bridges Eligibility Manual (BEM) 220 (January 1, 2018), p 5.

Petitioner was an ongoing FAP recipient when the Department initiated a routine review of her eligibility for ongoing benefits when on February 5, 2018, the Department sent her a Redetermination (DHS-1010) form with a March 7, 2018, due date. This form was mailed to Petitioner's correct mailing address of record, but when it was not returned, the Department sent her a Notice of Missed Interview (DHS-254). An effective redetermination telephone interview could not be held without this form being returned to the Department in a timely manner. This form put Petitioner on notice that it was her responsibility to reschedule the redetermination interview. When the form was not returned before the benefit period expired, the interview was not rescheduled and Petitioner's FAP benefits automatically closed.

On April 16, 2018, the Department received Petitioner's application for FAP benefits. Petitioner was approved for a \$96 monthly allotment of FAP benefits based on her April 16, 2018, application date. The Department granted Petitioner prorated FAP benefits for April of 2018, as directed by BEM 556. Prorated FAP benefits are automatically determined by multiplying the monthly benefits by the number of days remaining in the month by the number of days remaining in the month including the application date. Petitioner received the full allotment of FAP benefits she was eligible for May of 2018.

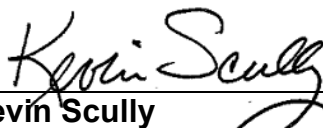
Due to problems reading Petitioner's handwritten address on her April 16, 2018, application form, the Department sent written notice that Petitioner's application had been approved to the wrong address. Petitioner's mailing address was corrected on May 2, 2018. The incorrect address had no affect on her allotment of FAP benefits for April of 2018.

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 properly closed Petitioner's Food Assistance Program (FAP) benefits effective April 1, 2018, based on Petitioner's failure to complete the redetermination of her eligibility for ongoing benefits following the expiration of her benefit period. The Department then properly determined Petitioner's eligibility for Food Assistance Program (FAP) benefits as of April 16, 2018, which was the date her new application was received by the Department.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



Kevin Scully
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) 763-0155; 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

Kimberly Kornoelje
121 Franklin SE
Grand Rapids, MI 49507

Kent County, DHHS

BSC3 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]