

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg No: 2009-14461

Issue No: 3002

Case No: ██████████

Load No: ██████████

Hearing Date:

March 23, 2009

Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted on March 23, 2009. The Claimant appeared and testified. ██████████ ██████████ appeared on behalf of the Department.

ISSUE

Whether the Department properly entered Claimant's application/registration date as 2/6/09.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds a material fact:

1. The Claimant applied for FAP benefits.
2. Claimant testified that on 12/22/08, she entered into the district office and applied for FAP benefits with the assistance of a department caseworker.

3. Claimant testified that when she did not hear from the Department about the FAP benefits, Claimant called the Department to inquire what happened with the application.
4. Claimant testified that, after two weeks, she received a phone call from the Department indicating that the Department caseworker did not recall the initial interview with Claimant. The Department then requested that Claimant come in and reapply.
5. Claimant returned to the district office on 1/2/09 and received a verification check list from the Department. (Exhibit 1).
6. The Department indicated that Claimant was not registered with CIS, a program utilized to show registration, until 2/6/09.
7. Claimant has been receiving FAP benefits since 2/6/09.
8. Claimant objected to the date of registration and filed this appeal. The Department received the Claimant's Request for Hearing on February 6, 2009.
9. At the hearing, the Department submitted no testimony as to specific processing of Claimant's paperwork.
10. Furthermore, the Department acknowledged that if Claimant received a Verification checklist on 1/2/09, then it made sense that Claimant had applied for benefits prior to 2/6/09.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the FAP

program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The date of application is the date that the local office receives the required minimum information on an application or the filing form. PAM 110. An Application or filing form with the minimum information, must be registered on ASSIST unless the client is already active for that program. Id. at 6. On or before the 30th day, the case worker must re-register the application, using the original application date. Id. at 15. The date of application determines the FAP begin date. Id. at 19. The FAP begin date depends on the group's eligibility and whether the 30 day standard of promptness (SOP) has been met. When the 30 day SOP is met, the begin date is the application date if the group is eligible for the application month (even if proration causes zero benefits). Id.

In the present case, this Administrative Law Judge finds that the evidence shows that Claimant applied for FAP benefits prior to the 2/6/09 registration date. Claimant's testimony that she completed an application on 12/22/08 is believable and is supported by the fact that Claimant was given a Verification Checklist on 1/2/09. Claimant completed the items on the Verification Checklist within the 30 day SOP. Claimant is eligible for FAP benefits. Claimant should have been eligible for benefits as of the date of application, 12/22/08.

Based upon the foregoing facts and relevant law, it is found that the Claimant's application date is 12/22/08.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly entered Claimant's application/registration date as 2/6/09.

Accordingly, the Department is ORDERED as follows:

1. Change Claimant's FAP application and begin date to 12/22/08.
2. Award benefits to Claimant accordingly.

/s/

Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/03/09

Date Mailed: 04/03/09

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JV/dj

cc:

[REDACTED]