

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-15151

Issue No: 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 31, 2009

Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on March 31, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services determine the proper amount of Claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon 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. Claimant's Food Assistance Program (FAP) case was due for re-determination by the end of January, 2009.

(2) On December 19, 2008 Claimant was sent a re-determination packet.

(3) On January 27, 2009, claimant's Shelter Verification (DHS Form 3688) had still not been received. The financial eligibility budget for claimant's Food Assistance Program (FAP) was run without any rent expense. Claimant was sent notice of the amount of Food Assistance Program (FAP) benefits she was found eligible for.

(4) On February 1, 2009, claimant's Shelter Verification (DHS Form 3688) was received by the department.

(5) On February 2, 2009, a new financial eligibility budget was run for claimant to include her rent expense. The change was pending to take effect on March 1, 2009. Claimant was sent notice of the change.

(6) On February 17, 2009, claimant submitted a request for hearing.

CONCLUSIONS OF LAWThe 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 (DHS or department) 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).

Department policy provides the following guidance for caseworkers. The department's policies are available on the internet through the department's website.

PAM 210 RE-DETERMINATION

DEPARTMENT POLICY All Programs

The department periodically reevaluates cases to ensure that eligibility for program benefits continues.

**REDETERMINATION
SDA, CDC, MA, AMP, TMAP and FAP**

A **re-determination** is a periodic, thorough reevaluation of all eligibility factors to determine whether the group continues to be eligible for program benefits **or**, for **MA only**, whether a deductible case can remain active.

SDA, CDC, MA (except HK1, OHK) TMAP and FAP

A complete re-determination is required at least every 12 months.

FAP Only

FAP benefits stop at the end of the benefit period **unless** a re-determination is completed **and** a new benefit period is entered. If the client files a DHS-1171, Assistance Application or Filing Form, or DHS-2063B, Food Assistance Benefits Re-determination Filing Record, the re-determination process begins. Register FAP re-determinations on ASSIST, according to policy in [PAM 110](#). If the client does not submit a re-determination request, allow the benefit period to expire.

**VERIFICATIONS
DEADLINE
FIP, SDA, CDC, MA, AMP, and TMAP**

Allow clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. If the 10th day falls on a weekend or holiday, the verification would not be due until the next work day. You must help clients who need and request assistance in obtaining verifications, and you may extend the time limit, if necessary. See “Obtaining Verification” in [PAM 130](#). Give timely notice of negative action if the time limit is **not** met.

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. You must help clients who need and request assistance in obtaining verifications, and you may extend the time limit, if necessary. See [PAM 130](#).

If verifications are provided by the required deadline but too late for normal benefit issuance, benefits must be issued within 5 workdays. If verifications are not provided by the required

deadline use ASSIST to deny the pending “U” registration. Send a DHS-176, Benefit Notice, to the client indicating the reason(s) for denial.

**FAP CLIENT FAILURE TO MEET
REDETERMINATION REQUIREMENTS**

FAP Only

Delays

The group loses their right to uninterrupted FAP benefits if they fail to:

- File the FAP re-determination by the timely filing date, **or**
- Attend the scheduled interview, **or**
- Submit verifications timely, provided the requested submittal date is **after** the timely filing date. Any of these reasons can cause a delay in processing the re-determination. When the group is at fault for the delay, you have 30 days to complete the re-determination.

Do **not** deny eligibility at this time unless the group refuses to cooperate, or failed to return verification by the due date.

If there is no refusal to cooperate and the group complies by the 30th day, issue benefits within 30 days. Benefits are not prorated.

Denials If there is a refusal to cooperate, you may deny the re-determination before the current benefit period expires. However, after the denial, if the group completes the interview and verification requirements within the original time limit and is otherwise eligible, issue benefits within 30 days after the re-determination.

Regardless of reason, any denial must be completed by the end of the benefit period or within 30 days **after** the re-determination filing date as long as the group has had adequate time to submit missing verifications.

In this case it is undisputed that the Shelter Verification (DHS Form 3688) was not received by the department until AFTER claimant’s re-determination had to be completed. The department policy cited above allows for denial of a re-determination, when a client fails to return verifications by the due date. The caseworker did not deny the re-determination but instead processed it and left the rent expense out so that claimant would receive uninterrupted

benefits. Then when the Shelter Verification (DHS Form 3688) was received, the caseworker was required to process it as a change. In accordance with the department policy for case actions, the reported change properly affected the next month's benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services determined the proper amount of Claimant's Food Assistance Program (FAP) benefits.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 3, 2009

Date Mailed: April 6, 2009

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.

GFH 

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