

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES


IN THE MATTER OF:

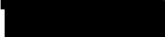


Claimant

Reg. No.: 2009-15639

Issue No.: 3008

Case No.: 

Load No.: 

Hearing Date:

April 6, 2009

Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on April 6, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly deny the Claimant's Food Assistance (FAP)?

FINDINGS OF FACT

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

1. On January 16, 2009, the Claimant applied for FAP.
2. On January 21, 2009, the Department sent the Claimant a verification checklist that requested employment verification concerning a previous employer. (Department exhibit 2A).

3. On February 17, 2009, the Department denied the Claimant's FAP and pended it for denial for March 3, 2009.
4. On February 23, 2009, the Claimant filed a request for a hearing.

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).

In the instant case the Claimant applied for FAP and was asked by the department to provide verification of income. The department denied the FAP approximately one month after the claimant applied for FAP because she had not supplied it with the requested verification.

At the hearing the claimant testified that she returned to the department and left verification of income with the department on the very day that she applied for FAP. She also testified that she left verification of the past thirty (30) days of income at the front desk.

At the hearing the claimant provided check stubs as evidence of the information she had previously provided the department.

This ALJ finds this evidence to not be evidence of information that could have been previously provided to the department. Only one of the stubs was issued prior to [REDACTED],

█. All of the other income evidence provided by the claimant was issued after the date that the claimant testified she had left it with the department.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see “[Timeliness Standards](#)” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification.

Use the DHS-3503C, Verification Checklist for Citizenship/Identity to request documentation of citizenship or identity for FIP, SDA, and Medicaid determinations.

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment. (PAM 130, pp.2-3).

Here, there is no evidence that the claimant made an attempt to provide the requested documentation in a timely manner.

This ALJ finds the department was correct in denying the claimant’s FAP application.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, **AFFIRMS** the Department’s decision in the instant case.

/s/
Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 05/13/09

Date Mailed: 05/13/09

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.

MJB/jlg

cc:

