

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: 2009-17570
Issue No: 3019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 20, 2009
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 telephone hearing was held on April 20, 2009. Claimant appeared and testified.

ISSUE

Did the Department properly deny Food Assistance Program benefits?

FINDINGS OF FACT

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

1. On September 10, 2008 the Claimant applied for MA.
2. On December 4, 2008 the Claimant informed the Department she had intended to apply for FAP on her September 10, 2008. The Claimant's application showed she had failed to request FAP benefits. However the Department allowed the Claimant to make the request effective December 4, 2008.

3. On December 6, 2008 the Department denied the Claimant's request for FAP due to her being ineligible due to an IPV as of November 2008.

4. On March 24, 2009 the Claimant requested 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 (DHS) 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 present case Claimant disputes the denial of FAP benefits as part of her September 2008 application. The Claimant admits she did fail to check the box requesting FAP benefits. The Claimant did revise the application on December 4, 2008 however this was considered a new application for FAP. The Department subsequently denied this application because the Claimant was on the system for an IPV preventing her being eligible for FAP.

The Department provided a copy of a system print out showing the Claimant was found to be ineligible based upon an IPV placed on the system as of November 2008. The Department properly processed the Claimant's application in September 2008 which only requested MA coverage. The Department properly processed the Claimant's December application for FAP benefits and properly determined the Claimant was ineligible for FAP due to an IPV sanction.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was acting in compliance with Department policy.

Accordingly, the Department's decision is UPHELD.

/s/
Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 4/30/09

Date Mailed: 4/30/09

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.

JWO/at

cc:

