

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: 2009-21498
Issue No: 3012, 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 8, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 June 8, 2009. Claimant personally appeared and testified. A JET case manager and a family independence manager represented the Department.

ISSUE

Did the Department improperly delay the redetermination 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 is a FAP benefits recipient for a group size of five.
- (2) On April 8, 2008, she submitted an application for several benefit programs, including FAP. Her worker told her that she was not eligible for FAP benefits.

- (3) Claimant later called the worker's supervisor which resulted in her completing an application for FAP benefits on April 28, 2009. The Department contends Claimant received \$10 in FAP benefits for April 2009; Claimant asserted that she did not receive any benefits. The Department did not produce the budget in effect for April 2009.
- (4) Claimant was determined eligible for \$82 in monthly FAP benefits effective May 2009. (Exhibit 1).
- (5) Claimant asserted that she started contacting the Department in February 2009 to discuss her redetermination and did not get a response until April 2009.
- (6) Claimant requested a hearing on the grounds that her worker refused to accept her application on April 8, 2009 for FAP benefits until the supervisor intervened, resulting in her April 28, 2009 application.
- (7) The Department received Claimant's hearing request on April 28, 2009.

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).

Helping Clients All Programs

The local office must assist clients who need and request help to complete the application form. See [PAM 105](#). The time limit to respond depends on the circumstance:

- For clients in the local office, within one workday.
- For clients who send a letter, a return letter or phone call within five workdays after receiving the letter.
- For clients who telephone:
 - A return call within one workday, **or**
 - A letter within five workdays
- When help **cannot** be provided by phone call or letter, a home call within five workdays.

The local office must have designated staff to make home calls to help complete applications when:

- Sufficient help **cannot** be provided by telephone or letter, **and**
- The client is physically unable to come to the office, **and**
- The client has no one else to help or to come to the office on his behalf.

Note: The cover page of DHS application forms advises clients of their right to receive help and includes the phone number of the DHS Customer Service Unit (517-373-0707) to report a refusal of help. (PAM 115, p. 1-2)

Under PAM 115, the local office is required to assist clients. In this case, it is found the assistance Claimant received was not appropriate. When Claimant applied for several benefit programs on April 8, 2008, the worker told Claimant that she was not eligible for FAP benefits. The worker, however, had not calculated a FAP budget for April 2009 and did not have a copy of a FAP budget, if any, that had been calculated for April 2009. Moreover, when the worker's supervisor spoke with Claimant, resulting in the Department accepting her FAP application on April 28, 2009, the Claimant was determined eligible for \$82 in monthly FAP benefits effective May 2009. Claimant asserted that her income or expenses did not change from April 8, 2009 to April 28, 2009. Therefore, it is found that the case worker improperly caused a delay in calculating Claimant's FAP benefits for April 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly delayed calculating Claimant's FAP benefits for April 2009.

Accordingly, the Department's determination that Claimant was eligible for \$10 in monthly benefits for April 2009 is REVERSED. The Department is ORDERED to recalculate Claimant's FAP budget for April 2009 and reimburse her for any FAP benefits for which she was eligible but did not receive for April 2009.

/s/

Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/12/09

Date Mailed: 06/16/09

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.

TW/dj

cc:

[REDACTED]