

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: 2009-22140
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 2, 2009
Gratiot 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 June 2, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close claimant's Food Assistance Program (FAP) case because she failed to verify income?

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.
- (2) On March 4, 2008, claimant was sent a Semi-Annual Contact Report (DHS-1046). The report gave claimant notice of the requirement to provide income for the past 30 days and that if she did not her Food Assistance Program (FAP) case would close effective April 30, 2009.

(3) On March 26, 2009, claimant submitted some of the required documents and verifications but did not submit income verification for a 30 day period.

(4) On April 27, 2009, claimant was sent a Notice of Case Action (DHS-1605). The notice informed claimant she had not submitted all the required income verification and that her Food Assistance Program (FAP) case would be closed beginning May 1, 2009.

(5) On May 6, 2009, claimant submitted a request for 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 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).

None of the above facts are disputed. Claimant testified that she did not turn in 30 days of income, the failure was not intentional but rather an oversight on her part, and that she did not realize she could still turn it in before the case closed. Claimant does not raise any issue or assertion indicating that the department's action was incorrect.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed claimant's Food Assistance Program (FAP) case because she failed to verify income.

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: June 4, 2009

Date Mailed: June 5, 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 

cc: 