

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: 2009-24181

Issue No: 2006; 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 2, 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 July 2, 2009. Claimant appeared and testified.

ISSUES

(1) Did the Department of Human Services properly close Claimant's Adult Medical Program (AMP) case due to her failure to provide information needed to determine her eligibility?

(2) Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case due to her failure to meet interview requirements?

FINDINGS OF FACT

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

(1) On March 16, 2009, Claimant submitted an application for Medical Assistance (MA) and Food Assistance Program (FAP) benefits.

(2) On May 1, 2009, a Notice of Missed Appointment (DHS-254) form was sent to Claimant. The form stated that Claimant had missed a scheduled interview and it was her responsibility to reschedule the interview before 04/15/2009 (not a typographical error 04/15/2009 is the date the Bridges program printed on the form).

(3) On May 13, 2009, Claimant was automatically sent an Application Eligibility Notice form (DHS-1150). The form stated her application for Food Assistance Program (FAP) benefits was denied due to her failure to meet interview requirements. The form also stated her Medicaid application was denied because she did not provide information needed to determine eligibility.

(4) On May 18, 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).

In this case, the Department representative asserts that Claimant's 3/16/09 Food Assistance Program (FAP) application was considered expedited. Program Administrative Manual (PAM) 117 requires that expedited Food benefits be issued within 7 days of the application. The Department representative asserts that Claimant was called to come in for an interview as soon as possible and an appointment was set for 5/1/09. Department Exhibit # 2 is a Bridges print out of scheduled appointment. The print out shows an appointment for 5/1/09

under Claimant's case number. The form was printed off on 4/23/09. On the section of the form for appointment status, it reads not scheduled.

Both parties agree that Claimant did not come to the local office for an appointment on 5/1/09. Claimant asserts she was not contacted about an appointment and that she never received anything about information needed to determine her eligibility for Medical Assistance (MA). Claimant's testimony is found more credible.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly deny Claimant's Medical Assistance (MA) application due to her failure to provide information needed to determine her eligibility. Neither did the Department of Human Services properly deny Claimant's Food Assistance Program (FAP) application due to her failure to meet interview requirements.

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

It is further ORDERED that Claimant's application be reinstated and processed in accordance with Department policy. Any benefits Claimant is eligible for back to the March 16, 2009, application date will be supplemented.

If Claimant is determined to be eligible for the Adult Medical Program (AMP) she will be admitted to the program in spite of the current enrollment status.

/s/


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

Date Signed: July 8, 2009

Date Mailed: July 10, 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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