

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.: 2009-29506  
Issue No.: 3008  
Case No.:   
Load No.:   
Hearing Date:  
August 13, 2009  
Wayne County DHS (43)

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, an in person hearing was held on August 13, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly close 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 May 3, 2009, the Department sent the claimant a verification checklist scheduling an appointment for May 12, 2009, as part of a redetermination. (Department exhibit 1).
2. On May 12, 2009, the department sent the claimant a notice of missed interview and a notice to reschedule that missed interview by May 30, 2009. (Department exhibit 3).
3. On May 31, 2009, the department closed the claimant's FAP.

4. On July 8, 2009, the Claimant filed a request second 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).

#### **FAP Only**

An in-person interview is required at redetermination unless an in-person interview can be waived. See PAM 115, Waiver of In-Person Interview. The individual interviewed may be the client, the client's spouse, any other responsible member of the group or the client's authorized representative. Waive the in-person interview if the eligible group consists entirely of senior/disabled/veteran members who are unable to appoint an authorized representative. If the client misses the interview, send a DHS-254, Notice of Missed Interview. See PAM 115, Scheduling Interviews. (PAM 210, P.8).

The instant case, the department closed the claimant's FAP when she failed to appear for a scheduled in-person interview and failed to reschedule the same.

At the hearing the claimant stated that she had not received either of the notices.

The correct address was used and the law presumes that the mail was successfully delivered unless evidence can be produced to the contrary. Here, no such evidence was produced.

This ALJ finds that the department was correct in closing the claimant's FAP. The claimant should reapply for benefits.

DECISION AND ORDER

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



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

Date Signed: \_\_\_\_\_

Date Mailed: \_\_\_\_\_

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

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