

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.: 2009-31619
Issue No.: 3008
Case No.:
Load No.:
Hearing Date:
August 31, 2009
Wayne County DHS (18)

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 31, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly move to 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 June 20, 2009, the department sent the claimant a verification checklist as part of its review of the claimant's FAP. (Department exhibit 1).
2. On July 14, 2009, the claimant attended an orientation meeting/interview and supplied the department with various pieces of documentation.

3. On July 14, 2009, the claimant failed to provide documentation of income for [REDACTED] [REDACTED] is the father of the claimant's child.
4. The department began the process of closing the claimant's FAP for lack of verification of income.
5. On July 31, 2009, the claimant filed a request 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).

In this instant case, the department began closure of the Claimant's FAP when she failed to provide it with documentation of [REDACTED] [REDACTED] income.

At the hearing the claimant testified that she was unaware that [REDACTED] [REDACTED] had been working. She further testified that he was receiving SSI benefits because he is disabled with a bi-polar disorder and schizophrenia. She further testified that she subsequently learned that he had worked for a very short period of time and that he had recently been placed in a nursing home.

The claimant filed for a hearing as soon as she learned that the department was preparing to close her FAP.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level.

If a client indicates he/she has a disability that impairs his/her ability to gather verifications and information necessary to establish eligibility for benefits, offer to assist the individual in the gathering of such information. (PAM 130, p.1).

Here, it is not the claimant that suffers from a disability but the member of the claimant's FAP group. The ALJ finds it perfectly understandable that the claimant might not have been aware of [REDACTED] short term income, given his illnesses.

The department should assist the claimant in procuring the requested income information especially since [REDACTED] is now in a nursing home and no longer in the claimant's home.

DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to maintain the claimant's FAP in its active status and assist the claimant in procuring the requested income information, after which the department may make appropriate adjustments to the FAP allotment.



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

Date Signed: 11/10/09

Date Mailed: 11/10/09

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.

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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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