

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: 2009-31825
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 1, 2009
Kent 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 September 1, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case due to her failure to provide required documents?

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. Claimant's Food Assistance Program (FAP) case was due for re-determination by May 31, 2009.
- (2) On April 20, 2009, a re-determination packet was sent to Claimant.

- (3) On May 7, 2009, Claimant and the Department case worker spoke by telephone concerning the residence of Claimant's daughter and grandson.
- (4) On May 31, 2009, Claimant's re-determination packet had not been returned to the Department. Claimant's Food Assistance Program (FAP) case was automatically closed by the Bridges computer program.
- (5) On June 2, 2009, Claimant and the Department case worker spoke by telephone concerning Claimant's Food Assistance Program (FAP) case. Claimant was made aware that the re-determination packet or a new assistance application had to be completed and turned in to keep the case going.
- (6) On June 9, 2009, the Department received a new assistance application from Claimant. However, the application was not signed. Because a signature is necessary to process an application, the application was returned to Claimant.
- (7) On June 25, 2009, Claimant submitted a request for hearing.
- (8) On July 2, 2009, Claimant submitted a signed assistance application.

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, Claimant received Food Assistance Program (FAP) benefits through May and again beginning in July. Claimant did not receive Food Assistance Program (FAP) benefits in the month of June. The legal requirements to process an application for and issue Food Assistance Program (FAP) benefits were not met for the month of June due to Claimant's failure to sign the assistance application. The absence of Food Assistance Program (FAP) benefits for Claimant during June is not the fault of the Department of Human Services.

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 due to her failure to provide required documents.

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: September 12, 2009

Date Mailed: September 16, 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.

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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.

GFH [REDACTED]

cc:

[REDACTED]