

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: 2009-32233
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 9, 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 September 9, 2009. Claimant appeared and testified.

ISSUE

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

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 under the Simplified Reporting Program.
- (2) On June 1, 2009, Claimant was sent a Semi-Annual Contact Report (DHS-1046).

- (3) On June 24, 2009, Claimant returned the Semi-Annual Contact Report (DHS-1046). The form indicated that Claimant began employment at [REDACTED] on [REDACTED] and was paid weekly. Claimant did not send in 30 days of income verification.
- (4) On July 10, 2009, Claimant was sent a notice of potential Food Assistance Program (FAP) case closure.
- (5) On July 11, 2009, Claimant stopped working at [REDACTED]. The Department was not made aware of this loss of employment until later in the month.
- (6) On July 21, 2009, Claimant began employment at [REDACTED]. The Department was not made aware of this new employment until later in the month. Claimant also received notice via Email that her Semi-Annual Contact Report (DHS-1046) had been received but that she also needed to provide income verification for 30 days.
- (7) On July 27, 2009, Claimant sent her [REDACTED] pay stubs to the Department by fax.
- (8) On July 31, 2009, at midnight, Claimant's Food Assistance Program (FAP) case was automatically closed by the BRIDGES computer program.
- (9) Later on July 31, 2009, the Department caseworker received [REDACTED] income information. The caseworker was also made aware that Claimant no longer worked for [REDACTED] and was to begin employment at [REDACTED] in August.
- (10) On August 3, 2009, the Department received verification of Claimant's employment at [REDACTED].
- (11) On August 3, 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).

The Department of Human Services is required by law to verify the income of, and determine the financial eligibility of, a group before issuing Food Assistance Program (FAP) benefits. In Claimant's specific situation, her receipt of Food Assistance Program (FAP) benefits in August 2009 and beyond required verification of both her loss of employment at [REDACTED] and her income from [REDACTED]. The Department had not received all that information in time to continue Claimant's Food Assistance Program (FAP) case beyond July 31, 2009.

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 failure to provide required information.

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 24, 2009

Date Mailed: September 25, 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:

