

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: 2009-23607
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 30, 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 June 30, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case for 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 benefit group consists of herself and her husband.

(2) On March 30, 2009, a re-determination packet was sent to Claimant because her case was due to expire on April 30, 2009.

(3) On April 14, 2009, some of the required documentation that Claimant had mailed in was received by the Department but a signed application was not included. Within a couple of days Claimant and the case worker spoke on the telephone. Claimant was aware that a signed application was required to continue her case and the Department case worker was going to put one in the mail for her. A second application was mailed to Claimant.

(4) On April 30, 2009, a signed application had not been received by the Department and Claimant's Food Assistance Program (FAP) case closed automatically. Claimant was sent notice of the closure.

(5) On May 7, 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, none of the above facts are disputed. Claimant testified that she did not receive another application so she was unable to fill it out and send it back in. Claimant testified that she corresponds with the Department via mail because she has disabling impairments so she was unable to go in to the office to resolve the situation. It is noted that the Verification Checklist (DHS Form 3503) sent to Claimant indicates the required interview would be conducted by telephone. When specifically asked Claimant testified that her husband is capable

of going in to the office but she did not know he could conduct any of the business needed to keep the case open. The Department case worker testified that she did mail out another application.

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BAM 105 RIGHTS AND RESPONSIBILITIES

DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item. The local office must do **all** of the following:

- Determine eligibility.
- Calculate the level of benefits.
- Protect client rights.

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. See [Refusal to Cooperate Penalties](#) in this section.

LOCAL OFFICE RESPONSIBILITIES

All Programs

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignity and respect by all DHS employees.

Informing the Client

All Programs

Inform people who inquire about:

- The DHS programs available, including domestic violence comprehensive services.
- Their right to apply.

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0373-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English.

BAM 110 2 of 19 APPLICATION FILING AND

REGISTRATION

DEPARTMENT POLICY

Request for Assistance

All Programs

A request for assistance may be in person, by mail, telephone or an application can be obtained on the Internet. The requester has the right to receive the appropriate application form:

- DHS-1171, Assistance Application (all programs). The DHS-1171 packet includes an information booklet and the assistance application. A filing form used to preserve the application filing date is available on the last page of the information booklet and online at www.michigan.gov/dhs-forms.
- DHS-4583, Child Development and Care (CDC) Application.
- DCH-0373D, MICHild/Healthy Kids Application (Healthy Kids categories).

Brochures are available in English, Spanish, and Arabic

on the DCH Web site at www.michigan.gov/mdch. Select MDCH brochures Available for Download from the Quick Links in the right navigation.

- DHS-4574, Medicaid Application (Patient of Nursing Home).
- DHS-4574-B, Assets Declaration (for initial asset assessment).
- DHS-1514, State Emergency Relief Application.

Note: Local offices must assist clients who need and request help to complete the application forms. See [BAM 115](#).

APPLICATION

All Programs

The DHS-1171 is used for most applications and may also be used for redeterminations (see [Redeterminations](#) below). It can accommodate six names of persons living in the household. A form-fillable version of the assistance application is available on the www.michigan.gov/dhsforms Web site. Extra pages for reporting household members, income, assets, etc. are also available from this location.

Who May Apply

All Programs

Any person, regardless of age, or his authorized representative (AR) may apply for assistance. For **FAP only**, an AR must apply on behalf of certain clients. See the “[AUTHORIZED REPRESENTATIVES](#)” section below.

AUTHORIZED REPRESENTATIVES

All Programs

An **authorized representative** (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (e.g., to obtain FAP benefits for the group).

When no one in the group is able to make application for program benefits, any group member capable of understanding AR responsibilities may designate the AR.

The AR assumes all the responsibilities of a client. See [BAM 105](#).

The AR must give his name, address, and title or relationship to the client. To establish the client's eligibility, he must be familiar enough with the circumstances to complete the application, answer interview questions, and collect needed verifications.

In this case, the evidence does not show what happened to the second application mailed out. However, it does show that the Department of Human Services was working with Claimant and did meet their policy requirements. Department of Human Services policy does not saddle the Department with the responsibility to ensure that a citizen receives and returns an application within any specific time period.

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 for 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: July 2, 2009

Date Mailed: July 7, 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:

