

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: 2009-25367  
Issue No: 3008  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
July 15, 2009  
Gratiot 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 July 15, 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 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. Claimant's Food Assistance Program (FAP) case was due for a 6 month review before April 30, 2008.

(2) On March 4, 2009, Claimant was sent a Semi-Annual Contact Report (DHS-1046). The form was due back to the Department by April 1, 2009.

(3) On March 30, 2009, the Department received the form from Claimant. In Section 4 – Household Income, Claimant listed two employers. The two employers were [REDACTED]. The two employers were consistent with information received from Claimant and used in a financial eligibility budget dated December 23, 2008. The Semi-Annual Contact Report (DHS-1046) states that proof of all income received in the past 30 days must be included. Claimant submitted proof of income from [REDACTED] but nothing for [REDACTED].

(4) On April 7, 2009, Claimant was sent a Verification Checklist (DHS Form 3503) requesting income verification.

(5) On April 30, 2009, the Department had not received any income verification regarding [REDACTED]. Claimant's Food Assistance Program (FAP) case was automatically closed.

(6) On June 1, 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, Claimant listed [REDACTED] as an employer but stated she had not done any work for them in several months so she did not have any income from the past 30 days to provide. Because Claimant had income from this source in her most recent financial eligibility budget and she listed the employer again on this Semi-Annual Contact Report (DHS-1046), it was correct for the Department to require income verification. If Claimant had not listed [REDACTED] as an employer it would be proper for the Department to require verification that the income had stopped. While it is unfortunate that the Department caseworker did not have sufficient time to speak with Claimant and discover her mistake, the Department acted correctly in accordance with their policies.

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 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: July 27, 2009

Date Mailed: July 29, 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:

