

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: 2009-25586
Issue No: 3019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 16, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 16, 2009. The Claimant personally appeared and testified. An assistance payments supervisor represented the Department.

ISSUE

Did the Department properly deny Claimant's application for Food Assistance (FAP) benefits?

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 a FAP benefits recipient for a group size of three that included him and two children.

- (2) Claimant's FAP case was due for a review by May 2009. The Department did not receive his renewal application. Consequently, his benefits ended at the end of May 2009.
- (3) Claimant informed the Department that he never received a renewal application. Therefore, the Department worker sent Claimant an application and agreed to reinstate his benefits as of June 2009 upon receiving the application.
- (4) Claimant requested a hearing despite the Department's decision to send him an application and reopen his case effective June 2009.
- (5) The Department received Claimant's hearing request on May 28, 2009.

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).

INCOMPLETE APPLICATIONS

All Programs

An application is incomplete until it includes enough information to determine eligibility. See [PAM 105](#) for a list of the minimum information required for registering an application.

When an incomplete application is filed, retain the application and give or send the client the DHS-330, Pending Application Notice. It informs the client of the:

- Application date,

- Due date for missing information, **and**
- Interview date, if any.
- An interview is **not** necessary, **or**
- Information is still missing after the initial interview.

Note: The DHS-330 can also be used as a receipt for a completed application and scheduling an interview.

Reminder: If an interview is necessary, conduct it on the day of the filing, if possible. Otherwise, schedule it for **no later than 10 calendar days** from the application date. (PAM 115, p. 3)

Failure to Complete the Application Process

All Programs

You **cannot** deny an application due to incompleteness until 10 calendar days from the **later** of:

- Your initial request in writing to the applicant to complete the application form or supply missing information, **or**
- The initial scheduled interview.

Exception: For FAP, you **cannot** deny an application due to a **missed initial interview** until the **30th** day after the application date. You **cannot** deny an application for failure to provide verifications or complete the application process until the 30th day if the client has **not** attended the initial interview. (PAM 115, p. 4)

In this case, the Department considered that fact that Claimant did not receive application to renew his FAP case and agreed to provide him with an application and reopen his case as of June 2009 to avoid a loss of benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department did not improperly deny Claimant's FAP benefits because his

FAP case ended before a renew application was received. The Department's action is
AFFIRMED.

/s/

Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/24/09

Date Mailed: 08/24/09

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.

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.

TW/dj

cc:

