

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: 2009-28813
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 6, 2009
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 telephone hearing was held on August 6, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's April 6, 2009, Food Assistance Program (FAP) application on May 8, 2009?

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 applied for FAP benefits on April 6, 2009.
2. On April 9, 2009, department mailed the claimant a Verification Checklist, DHS-3503, asking for personal, income and asset records, household expenses and birth certificates for all in her home.

3. Department denied claimant's FAP application on May 8, 2009, based on her alleged failure to provide income verifications.

4. Claimant requested a hearing on May 18, 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 (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).

Department's hearing testimony is that the claimant provided all of the verifications requested on DHS-3503, but failed to provide verifications of income. Claimant states she did provide income verification and it is a statement from her employer. Department's representative reviews the form claimant is talking about and states that it is income verification from the employer, not a statement from the claimant as she originally assumed. Department's representative then states that the form was not received by her by the due date on DHS-3503, April 19, 2009. Department's policy however treats FAP applications differently than some other programs, and states that the department cannot deny the application even after 30 days from the date of application has passed. This policy states that the FAP group is at fault when requested verifications have not been provided by the 30th day, despite 10 days or more to provide them. PAM 115. Department's representative agrees that the policy states so. Claimant did provide requested verifications and claims she dropped such verifications off in person prior

to the due date. Department's representative responds that this is possible and that the receipt date stamp on the verifications may have been delayed. Department agrees that claimant's FAP application should be processed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly denied claimant's FAP application in May, 2009.

Accordingly, department's action is REVERSED. Department shall:

1. Process claimant's disputed April 6, 2009, FAP application.
2. Issue the claimant any FAP benefits she was eligible to receive (i.e. meets all financial and non-financial eligibility requirements) but did not, as a result of department's application denial.
3. Notify the claimant in writing of this determination.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 10, 2009

Date Mailed: August 11, 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.

IR [REDACTED]

cc:

[REDACTED]