

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.: 2009-29502
Issue No.: 3009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
August 12, 2009
Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice, an in person hearing was held on August 12, 2009. The Claimant personally appeared and testified and was represented by her authorized representative (AR), [REDACTED]

ISSUE

Did the Department properly close the Claimant's Food Assistance Program (FAP)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant was a FAP recipient. The group size is three (3).
2. On April 17, 2009, the department sent a member, Samuel Carter, of the claimant's FAP group a verification checklist for an annual redetermination with an appointment for May 5, 2009. (Department exhibit 3).

3. On May 6, 2009, the department sent a notice of missed interview to Samuel Carter.
(Department exhibit 4).
4. On May 31, 2009, the department closed the claimant's FAP.
5. On June 15, 2009, the Claimant filed a request for a 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 (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).

In the instant case, the sent the notices to Samuel Carter at the incorrect address. At the hearing the claimant provided evidence (claimant's exhibits 1-2), that they had notified the department of the change in address and that the department had sent the claimant and Mr. Carter mail at the new and correct address in February of 2009.

This ALJ finds that the department verification checklist sent to Mr. Carter on April 17, 2009, and the notice of missed interview sent on May 6, 2009, were sent to the incorrect address. The Department, effectively, sent no notice to the Claimant.

DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to retroactively reinstate the Claimants FAP to the date of closure and replace any lost benefits.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/25/09

Date Mailed: 09/25/09

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.

MJB/jlg

cc:

