

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: 2009-30400
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 18, 2009
Berrien 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 August 18, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case due to her failure to provide required verifications?

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.
- (2) Claimant reported a loss of income from [REDACTED]. On June 23, 2009, a Verification Checklist (DHS Form 3503) was sent to Claimant requiring verification of

the loss of employment through employment records, employer statement, or a Verification of Employment (DHS Form 38). The verification was due on July 7, 2009.

(3) On June 24, 2009, Claimant submitted a State Emergency Relief (SER) application. Along with the application Claimant submitted a statement from the Unemployment Insurance Agency that Claimant had submitted a claim for Unemployment Compensation Benefits (UCB) on May 12, 2009. The statement from the Unemployment Insurance Agency referred to employers [REDACTED], and [REDACTED] Staffing Solutions.

(4) On July 8, 2009, the Department had not received any verification of the loss of employment at [REDACTED]. Claimant was sent a Notice of Case Action (DHS-1605) stating her Food Assistance Program (FAP) case would close.

(5) On July 16, 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 stated she started working at [REDACTED] in June and lost the job in the same month. Notice of filing an unemployment claim before even beginning the

employment [REDACTED], is not adequate verification of the loss of employment at [REDACTED]
[REDACTED]

Also at the hearing Claimant raised the issue that she did not receive benefits pending this hearing even though she filed a timely hearing request.

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 due to her failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

It is further ORDERED that Claimant was not eligible for Food Assistance Program (FAP) benefits pending this hearing. The Department is not required to supplement Claimant with Food Assistance Program (FAP) benefits for the period between the request for hearing and this hearing.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 9, 2009

Date Mailed: September 10, 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 [REDACTED]

cc:

[REDACTED]