

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: 2009-34551
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 6, 2009
Kent 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 October 6, 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 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.

Claimant's case was due for re-determination by the end of July 2009.

(2) On May 20, 2009, a Redetermination Form (DHS-1010) was sent to Claimant.

The form and required verifications were due at an interview scheduled for June 2, 2009.

- (3) On June 2, 2009, Claimant attended the scheduled interview. The Department case worker had not received the Redetermination Form (DHS-1010). A new `101 was filled out at the interview and Claimant was given a Verification Checklist (DHS Form 3503) requesting all required verifications.
- (4) On July 20, 2009, Claimant was sent notice that his Food Assistance Program (FAP) case would close effective August 1, 2009.
- (5) On July 31, 2009, all required verifications had not been received and Claimant's case was automatically closed by the Bridges computer program.
- (6) On August 11, 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).

At this hearing Claimant testified that he: received the Re-determination Form; filled it out and sent it back in; received an additional request for rental income in the form of a letter from the tenant; he obtained that and mailed it in; he mailed the last required verification about a week before the scheduled interview on 6/2/09. The Department case worker testified that: on the day of the interview 6/2/09 neither the Re-determination Form or any verifications had been received; at the interview a new Re-determination Form was filled out along with a Verification

Checklist (DHS Form 3503) for the required verifications; after the scheduled interview Claimant's Re-determination Form arrived in the mail post marked June 1, 2009.

During the course of the hearing there were approximately five times that Claimant began speaking about and/or asking questions about documents and issues that had already been thoroughly discussed. Claimant was asked if he had memory problems and testified that he is 67 years-old and has recently begun to have memory problems where he goes into a room and then does not remember why he went or what he was going to do there.

Based on the totality of the evidence in the record the Department caseworker's testimony is found more reliable.

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 verifications.

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: October 15, 2009

Date Mailed: October 16, 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/om

cc:

