

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: 2009-35389
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 8, 2009
Monroe 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 8, 2009. Claimant appeared and testified.

ISSUE

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

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 Food Assistance Program (FAP) case was due for re-determination by August 31, 2009.

(2) On July 17, 2009, Claimant was sent a Redetermination Form (DHS-1010). The form scheduled an appointment for August 3, 2009 and the form and additional documents were due to the Department the same day. Claimant received the form.

(3) On August 3, 2009, Claimant did not attend the scheduled appointment.

(4) On August 5, 2009, Claimant moved to a different address.

(5) On August 20, 2009, Claimant was sent a Notice of Case Action (DHS-1605) stating her Food Assistance Program (FAP) case would close effective August 31, 2009.

(6) On August 31, 2009, at midnight, Claimant's Food Assistance Program (FAP) case was automatically closed by the Bridges computer program. Later that day Claimant submitted an incomplete application.

(7) On September 1, 2009, Claimant submitted a request for hearing on the Notice of Case Action (DHS-1605) sent to her on August 20, 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).

In this case, Claimant had full and adequate notice of the requirements to reapply for Food Assistance Program (FAP) benefits. Claimant did not comply with the requirements.

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 failure to provide required documents.

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 20, 2009

Date Mailed: October 26, 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 

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