

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: 2009-8964
Issue No: 3012
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 5, 2009
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 March 5, 2009. Claimant personally appeared and testified. An Arabic and Chaldean translator participated in the hearing. An AP supervisor represented the Department of Human Services (Department).

ISSUE

Did the Department improperly delay the start of Claimant's Food Assistance Program (FAP) benefits?

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 submitted a completed application for FAP benefits that was signed on November 20, 2008. (Exhibit 9). The Department received the application on November 21, 2008.

- (2) Claimant's FAP benefits for a group size of six began on November 24, 2008.
- (3) Claimant disagreed with the start date of the benefits. He contends that the benefits should have started on September 2, 2008.
- (4) The Department received Claimant's hearing request on December 17, 2008.

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).

STANDARDS OF PROMPTNESS

All Programs

The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information.

Exception #1: For FAP, the SOP begins when the correct local office receives it. [See PAM 110.](#)

Exception #2: For FAP, when a person applies for SSI and FAP before being released from a medical institution, the SOP begins on the applicant's date of release.

[See PAM 105](#), for the minimum required information for filing. Process applications and requests for member adds as quickly as possible, with priority to the earliest application date. See "PROCESSING DELAYS" in this item. Requests for member adds must be registered on ASSIST. [See AUM 150.](#) (PAM 115, pg 10-11)

FAP Only

Expedited FAP benefits must be available to the group by the seventh calendar day after the application date. By this date, clients must have a Bridge card and access to their benefits. To be considered timely, you must process expedited FAP benefits by the fourth calendar day after the application date. [See PAM 117.](#)

The SOP for all other eligible FAP groups is 30 days. By this date, clients must have a Bridge Card and access to their benefits. To be considered timely, you must process FAP benefits by the twenty-seventh calendar day after the application date. [See PAM 401E, Bridge Card Issuance.](#) (PAM 115, pg 11-12)

Under PAM 115, the SOP begins when the Department receives an application. In this case, the Department received an application on November 21, 2008. The application was dated November 20, 2008. The undersigned finds that the weight of the evidence did not establish that the Department had received any other application from Claimant prior to November 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department did not improperly delay the start of Claimant's application for FAP benefits.

Accordingly, the Department determination to start Claimant's FAP benefits in November 2008 is AFFIRMED.

/s/

Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 29, 2009

Date Mailed: March 20, 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.

TW/dj

cc:

