

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: 201012052
Issue No: 3012, 3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 20, 2010
Oakland County DHS (63)

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted on January 20, 2010. The Claimant appeared and testified. John Dicello, ES appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's Food Assistance Program ("FAP") benefits following Claimant's 9/23/09 application.

FINDINGS OF FACT

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

1. The Claimant attempted to apply for FAP benefits on September 23, 2009 in person at the Inkster DHS office. However, Claimant was informed that he needed to apply at the Greydale office.

2. Claimant testified that he completed an application, including shelter verifications and submitted it to the Greystone office on 9/23/09.
3. The Department transferred Claimant's case to the Walled Lake, Oakland County district office despite the fact that Claimant lives in Northville in Wayne County.
4. The Department indicated that Claimant's application registered in Oakland County on 10/23/09.
5. Claimant's application was processed and FAP benefits of \$33.00 began on 10/23/09.
6. Claimant's FAP benefits increased to \$129.00 effective 12/1/10 due to shelter verifications being received in the Oakland County office. Claimant does not dispute the award of \$129.00 FAP benefits per month.
7. The Department indicated that the correct district office would be the Forrest/Ellery Wayne County office.
8. The Department failed to timely process the application.
9. The Department received Claimant's request for a hearing on December 4 2009.

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et. seq.* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual ("PAM")/Bridges Administrative

Manual (“BAM”), the Program Eligibility Manual (“PEM”)/Bridges Eligibility Manual (“BEM”), and the Program Reference Manual (“PRM”).

The Department is required to process applications within the standard of care set forth in the applicable regulations. The standard of care for FAP benefits is 30 days for non expedited cases. BAM 115, p. 12. A person may request or apply for assistance in any local office in Michigan. The application must be processed by a local office serving the county or district where the person lives or is institutionalized. BAM 110, p. 13.

In this case, Claimant’s testimony revealed that he applied for benefits in September, 2009. The first local office to which Claimant presented an application refused to take the application. The second local office transferred the case, but the application was processed on the date it was registered in the system on 10/23/09. The Department indicated that it did not have any evidence to indicate that Claimant did not apply in September, 2009 as he testified. The Administrative Judge finds Claimant’s testimony that he applied 9/23/09 and submitted shelter verifications at that time credible. Claimant should have received \$129.00 in FAP benefits from the 9/23/09 date of application. Accordingly, the Department’s determination to award benefits of \$33.00 effective 10/23/09 is REVERSED.

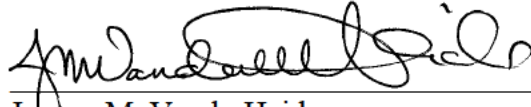
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds as followed:

It is ORDERED that:

1. The Department failed to comply with the standard of care as the Department failed to process Claimant’s FAP application from the initial date of application 9/23/09. Further, the Department failed to include the shelter deduction from the initial application date.

2. The Department shall reopen Claimant's FAP case retroactive to 9/23/09 date of application and the Department shall reprocess the application from 9/23/09 including shelter deductions.
3. The Department shall supplement Claimant \$129.00 FAP benefits per month from the date of the 9/23/09 application, including any other benefits he was otherwise entitled to receive.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/02/10

Date Mailed: 03/05/10

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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

JV/hw

cc:

