

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2010-16396

Issue No: 3008

Case No:



Load No:

Hearing Date:

July 14, 2010

Gladwin County DHS

**ADMINISTRATIVE LAW JUDGE:** Landis Y. Lain

**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 telephone hearing was held on July 14, 2010. Claimant personally appeared via 3-way teleconference call.

**ISSUE**

Did the Department of Human Services (the department) error when it closed claimant's Food Assistance Program (FAP) case?

**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 a FAP benefit recipient.
- (2) Claimant's case was due for re-determination.
- (3) The department caseworker sent claimant a DHS-574 re-determination appointment letter and a DHS-1010 re-determination form on October 14, 2009, via central print. The information was due back in November 9, 2009.
- (4) The form was not returned as of November 30, 2009, and the FAP case automatically closed because there was no review conducted.
- (5) There was no negative action taken in this case, as the case was up for re-determination and no information was turned in.

- (6) On December 9, 2009, the department caseworker sent claimant notice that his FAP benefits were closed effective November 30, 2009, because his certification period ended and he did not return verification information.
- (7) On December 14, 2009, claimant filed a request for a hearing to contest the department's negative action.

### **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).

#### **Granting a Hearing**

##### **All Programs**

AH may grant a hearing about any of the following:

- . Denial of application and/or supplemental Payments
- . Reduction in the amount of program benefits or Services
- . Suspension or termination of program benefits or Services
- . Restrictions under which benefits or services are provided
- . Delay of any action beyond standards of promptness
- . For **FAP only**, the current level of benefits or denial of expedited service

##### **MA Only**

AH may grant a hearing about any of the following:

- . Community spouse's income allowance

- . Community spouse's income considered in determining the income allowance
- . Initial asset assessment (but only if an application for MA has actually been filed for the client)
- . Determination of the couple's countable assets
- . or protected spousal amount

Community spouse's resource allowance. PAM, Item 600, pp. 3-4.

In the instant case, there is no negative action taken in this case. Claimant's certification period ended as of November 30, 2009. He did not provide verification which was due November 9, 2009, to the department. Claimant alleges that he did not receive the notice of verification information. However, whether or not claimant received verification is not an issue here, since his case was not cancelled based upon his failure to provide verification. His case was simply closed based upon the fact that his certification period expired.

#### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department took no negative action in this case and has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it automatically closed claimant's FAP case as of November 30, 2009, based upon the fact that claimant certification period ended and claimant took no action to provide renewal verification information. Claimant was certainly have had notice that his FAP benefits certification eligibility period would end November 30, 2009, when he first began to receive FAP benefits.

Accordingly, the department's decision is AFFIRMED.

Landis

/s/  
\_\_\_\_\_  
Y. Lain  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

2010-16396/LYL

Date Signed: August 10, 2010

Date Mailed: August 10, 2010

**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.

LYL/alc

cc:

