

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: 2010-1735
Issue No: 3012
Case No: [REDACTED] 6
Load No: [REDACTED]
Hearing Date:
November 24, 2009
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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, an in-person hearing was held on November 24, 2009. Claimant was represented by [REDACTED]

ISSUE

Whether the Department of Human Services (department) properly determined claimant's eligibility for 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) During July 2009, claimant was a recipient of FAP benefits. Her certification was ending and a redetermination of financial eligibility was scheduled.

(2) July 20, 2009, claimant attended her FAP redetermination interview and provided part but not all of the required proofs. Claimant was seen by a substitute caseworker as her worker was not at work that day. Department Exhibit A, pg 1-4.

(3) The department did not receive all required proofs for claimant's FAP redetermination. Her certification expired July 31, 2009. The department was not able to recertify without required proofs. Department Exhibit A, pgs 1-6.

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).

Department manuals provide the following policy statements for caseworkers:

Benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. If the client does not complete the redetermination process, allow the benefit period to expire.

The group loses their right to uninterrupted FAP benefits if they fail to do any of the following:

- File the FAP redetermination by the timely filing date.
- Participate in the scheduled interview.
- Submit verifications timely, provided the requested submittal date is after the timely filing date.

Any of these reasons can cause a delay in processing the redetermination. When the group is at fault for the delay, department has 30 days to complete the redetermination. If there is no refusal to cooperate and the group complies by the 30th day, benefits are issued within 30 days. Benefits are not prorated.

Bridges Administrative Manual (BAM) 210; 7 CFR 273.14.

Verify all non-excluded income at redetermination. Verification may be from any of the following:

- Documents (example: pay stubs or award notice).
- Letter or document from person/agency making the payment.
- Document from or collateral contact with a knowledgeable source.
- Electronic verification from a reliable source.
- Consolidated inquiry.

The verification must confirm the gross amount of earnings. If unknown, the frequency of the payment must also be verified.

Bridges Eligibility Manual (BEM) 500; 7 CFR 273.9; Child Care and Development Block Ban of 1990, P.L. 101-508, Section 5105(a)(3); P.L. 108-447.

In this case, claimant's FAP benefits were due to expire July 31, 2009. A redetermination appointment was scheduled which claimant attended. Part but not all required proofs were provided. Both claimant and department attempted to obtain required proofs prior to the certification end date but were not able to do so. Proofs were not provided until after the certification expired. Finding of Fact 1-3. Department policy does not permit the recertification of FAP benefits unless all required proofs are provided. Accordingly, the department has met its burden of proof and its action must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services properly determined claimant's eligibility for Food Assistance Program benefits.

Accordingly, the department's action is, hereby, UPHELD.

/s/

Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 28, 2009

Date Mailed: December 30, 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.

JAB/db

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