

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: 2010-18537

Issue No: 3004

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 10, 2010

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 March 10, 2010.

ISSUE

Did the Department properly meet its Standard of Promptness when processing Claimant's application 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) Client applied for Medicaid on June 24, 2009, but was denied benefits.

(Department Exhibit 1)

(2) Client applied for FAP benefits on October 8, 2009. (Department Exhibit 1)

(3) Client requested a hearing on October 9, 2009, disputing the timeliness of the Department's determination of his eligibility.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

A request for assistance may be in person, by mail, telephone, or an application can be obtained on the Internet. The client has the right to receive the appropriate application form to apply for program benefits. BAM 110. The FIA-1171, Assistance Application, must be completed when applying for program benefits. The standard of promptness in determining a client's eligibility for program benefits begins when the Department receives the FIA-1171 with the minimum required information. BAM 115.

Claimant argued that he had requested FAP benefits by hand delivering a completed DHS-1171 to the Kent County DHS Office on August 9, 2009. The Claimant argued that the Department failed to act upon his request.

This Administrative Law Judge must uphold the Department's eligibility determination. The claimant failed to provide any material or substantial evidence to establish that he requested FAP benefits or completed an FIA-1171 with the minimum required information on August 9, 2009. Manager [REDACTED] testified that the Department never received an application or request for FAP benefits until October 9, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in computing Claimant's FAP benefits.

Accordingly, the Department's FAP determination is AFFIRMED, it is SO ORDERED.

/s/
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 17, 2010

Date Mailed: March 18, 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 60 days of the filing of the original request.

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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.

KS/vmc

cc:

