

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: 2010-2663
Issue No: 3008; 6015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 19, 2009
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 November 19, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly deny claimant's Food Assistance Program (FAP) and Child Development and Care (CDC) application in September, 2009?

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 applied for FAP and CDC on July 29, 2009. On August 31, 2009, department mailed a Verification Checklist, DHS-3503, to the claimant at the address he used on his application. Notice of Hearing was mailed to the claimant at this same address and he verified it as correct on the day of the hearing.

2. DHS-3503 instructed the claimant to return various verifications to the department by September 10, 2009, and that his benefits may be denied if he does not do so. Form also gave the caseworker's name and telephone number to contact if claimant had any questions.

3. Claimant did not return any requested verifications. On September 15, 2009, department mailed the claimant a Notice of Case Action, DHS-1605, to the same address as DHS-3503, denying his FAP and CDC application.

4. Claimant requested a hearing on September 25, 2009.

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).

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are

contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Departmental policy requires that the department provide a Verification Checklist, DHS-3503, to a client requesting any missing information needed to determine eligibility that client has applied for. BAM 130. Departmental policy further states that the department is to give 10 days to a client to provide such information, unless the client contacts his caseworker to indicate he/she is having problems obtaining needed information and needs either more time or departmental assistance to do so. Claimant testified that he never received DHS-3503, but did receive the denial notice. Claimant further testified that he is not aware of any problems with his mail. Claimant's caseworker states that she did not receive any return mail for the claimant.

This Administrative Law Judge must reason that the claimant had received the denial notice and the notice of this hearing at the same address he claims as correct at the time of the hearing to which the DHS-3503 was mailed, and therefore cannot find any logical explanation why he would not have received the DHS-3503. For that reason no fault in department's denial of claimant's FAP and CDC application can be found.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied claimant's FAP and CDC application in September, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 4, 2010

Date Mailed: January 3, 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.

SLK 

cc:

