

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: 2010-2853
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 17, 2009
Genesee 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 17, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's Food Assistance Program (FAP) application on September 17, 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 on July 10, 2009. Claimant provided a pay check dated July 2, 2009.

2. On September 2, 2009, department mailed the claimant a Verification of Employment (DHS-38) form requesting income information from June 1, 2009 to July 31, 2009. The verification was due to be returned by September 14, 2009.

3. On September 17, 2009, department denied claimant's FAP application claiming he did not return requested verification. Claimant requested a hearing on October 7, 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).

Departmental policy requires that additional verification needed to determine eligibility be requested by giving a client 10 days to provide it, unless they contact the department and indicate they are having a problem in doing so. BEM 130. Claimant does not dispute that he received the request for employment verification mailed to him on September 2, 2009. Claimant however states that he mailed the requested verification back to the department within 3 days of the receipt of request. Claimant's caseworker credibly testified that he never received this verification. Documentation provided for the hearing is orderly and accurate, so it does not appear that the claimant's case was neglected and/or improperly handled. This further leads the Administrative Law Judge to conclude that if needed verification was indeed mailed back by the

claimant it would have been received and processed by the caseworker. Claimant was advised to re-apply for FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's FAP application on September 17, 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: November 23, 2009

Date Mailed: November 24, 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.

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