

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: 2010-2909
Issue No: 3004
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 20, 2010
Lenawee 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, an in-person hearing was held on May 20, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Food Assistance Program 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) Claimant filed an application for Food Assistance Program benefits on November 16, 2009.
- (2) Claimant applied for herself and her minor child, as well as her adult sister and her adult sister's minor child.

(3) On December 2, 2009, the department caseworker sent claimant notice that her application for Food Assistance Program benefits was granted effective January 22, 2010, but her adult sister's, and adult sister's child were denied benefits because they put on the application that they prepared and purchased food separately.

(4) On December 15, 2009, claimant and her sister filed a request for a hearing to contest the department's negative action in regards to the sister.

(5) On December 12, 2009, the department caseworker called claimant and her sister and notified them that the claimant's sister would have to apply separately because she was not a part of the applicants Food Assistance Program benefits group (exhibit 1).

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).

BAM, Item 110, p. 1. indicates that a request for assistance may be in person, by mail, telephone or an application can be obtained on the internet. The requestor has the right to receive the appropriate application form: DHS 1171, assistance application. The DHS 1171 packet includes an information booklet and the assistance application. A filing form used to preserve the application filing data is available on the last page of the information booklet, and online at www.michigan.gov-forms. A DHS-1171 is used for most applications and maybe also

used for redeterminations. It can accommodate 6 names of persons living in the household. A form fillable version of the assistance application is available on www.michigan.gov/dhs-forms website. Extra pages for reporting household members, and assets, etc. are also available from this location. BAM, Item 110, p. 3. For applications filed online, the date of the application is the submission date regardless of the time received. If the application is filed online after close of business, such as a weekend, holiday, or after 5 p.m. on business days, the date of application is the following business day.

An application or filing form with the minimum information must be registered on BRIDGES, unless the client is already active for that program. If there is no record on BRIDGES, the system assigns individual id numbers and an application number. BAM, Item 110, p. 6. Applicants must be given or sent DHS publication 16, Food Assistance in Michigan, and publication 859, domestic violence waivers information brochure. The local office must screen applicants to identify those requiring expedited service. Information to identify those cases are provided on both page 3 of the assistance application, DHS 1171, and on the filing form. BAM, Item 110, p.7.

In the instant case, both claimant and her sister filed the original application on November 16. The department did not notify the sister until December 12, 2009, that she needed to file a separate application because she did not prepare and purchase food with claimant. The department policy does not require any place in BRIDGES policy that two people in the same household must file separate applications. This Administrative Law Judge also finds that the filing of the application on claimant's behalf and claimant's sister's behalf on the BRIDGES internet system preserves the application date for claimant's sister to November 16, 2009. If claimant's sister needed a separate application for purposes of Food Assistance Program benefit

eligibility through BRIDGES, the BRIDGES system should have notified her, or should have separated claimant's sister from her sister's application based upon the answers that she gave on the internet questionnaire.

This Administrative Law Judge finds that the department has not established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it denied claimant's sister food assistance program benefits, and failed to process her application for Food Assistance Program benefits because the application was technically filed incorrectly. There is nothing on the BRIDGES application system which indicates that a person should file a separate application if they do not prepare and purchase food together. In fact, the BRIDGES online application requests that all persons in the household be named on the application. No lay person would be expected know that she needed to file a separate application for Food Assistance Program benefits when the application specifically asks for everyone in the household. This Administrative Law Judge finds that there was a BRIDGES error.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not establish by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it denied claimant's sister's application for Food Assistance Program benefits because her application was attached to her sisters.

Accordingly, the departments decision is REVERSED. The department is ORDERED to reinstate claimant's sisters application for Food Assistance Program benefits to November 16, 2009. The department is ORDERED to conduct a food benefit eligibilty assessment and if

claimant is otherwise eligible shall be provided with Food Assistance Program benefits from the November 16, 2009 application date forward.

/s/

Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 26, 2010

Date Mailed: May 27, 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

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