

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.: 2010-31075
Issue No.: 3004
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 24, 2010
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 conducted from Detroit, Michigan on May 24, 2010. Claimant's guardian, [REDACTED] appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether Claimant, through Claimant's group home manager, submitted an Assistance Application for Food Assistance Program benefits on 8/18/09.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of 8/2009, Claimant was a non-recipient of Food Assistance Program (FAP) benefits.
2. Claimant was a resident of a group home.

3. Claimant's guardian contends that an Assistance Application (DHS-1171) was submitted on behalf of Claimant on 8/18/09 by a manager of Claimant's group home.
4. DHS failed to receive or process the 8/18/09 DHS-1171.
5. Claimant's group home manager submitted a hearing request on 1/22/10 regarding the lack of processing for the allegedly submitted 8/18/09 Assistance Application for FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (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 (formerly known as the Family Independence Agency) 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) and the Reference Tables Manual (RFT).

The processing of applications begins with the filing of a DHS-1171 or other acceptable form. BAM 110. In the present case, Claimant contends that a manager at her group home submitted a DHS-1171 on her behalf and that DHS failed to process the request. DHS contends that they did not receive a DHS-1171 on 8/18/09 or any date thereafter.

Claimant was represented at the hearing by her guardian. Claimant's guardian did not have any first-hand knowledge that a DHS-1171 was submitted on 8/18/09 and was unable to testify to any relevant information that would tend to support an application was submitted. The manager of the group home that allegedly filed the application was not presented as a witness at the hearing. Without any testimony or supporting evidence that an 8/18/09 application for FAP

benefits was filed, the undersigned is unable to find in Claimant's favor. DHS credibly testified that their database indicated there was no record of an 8/18/09 application submitted on behalf of Claimant. It is found that an application was not submitted on 8/18/09 requesting FAP benefits for Claimant. Claimant, through her guardian or other appropriate representative, is encouraged to immediately submit a DHS-1171 to commence the FAP benefits process.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly did not process an 8/18/09 request for FAP benefits due to Claimant's failure to submit an application.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/7/2010

Date Mailed: 6/7/2010

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.

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.

CG/jlg

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