

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: 2010-5377
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 10, 2009
Lenawee County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on December 10, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's application and stop payment of expedited Food Assistance Program (FAP) benefits due to her failure to provide required verifications?

FINDINGS OF FACT

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

- (1) On August 24, 2009, Claimant submitted an application for Food Assistance Program (FAP) benefits. The application indicated that Claimant was working and was a full time student. Based on her statements, Claimant qualified for expedited Food

Assistance Program (FAP) benefits. Claimant was given a Verification of Student Information Form (DHS-3380) which stated the form must be returned by 9/3/09 or benefits may be denied, reduced, or terminated.

(2) On September 9, 2009, the Department had not received verification of Claimant's student status. Continued Food Assistance Program (FAP) benefits were denied. Claimant was sent a Notice of Case Action (DHS-1605).

(3) On October 20, 2009, Claimant submitted a request for hearing.

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).

In this case, Claimant does not dispute that she had not returned the verification by the due date. Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BAM 117 FAP EXPEDITED SERVICE

DEPARTMENT POLICY

The policy in this item applies to FAP only. The purpose of FAP expedited service is to help the neediest clients quickly. Certain processing requirements and actions (identified in this item) are deferred due to the shortened standard of promptness.

DEFINITIONS

Expedited Service Expedited Service

has a shorter standard of promptness and fewer verification requirements to determine FAP eligibility than are normally required.

Liquid Assets Liquid Assets include:

- Cash on hand.
- Checking or savings accounts.
- Savings certificates.

EXPEDITED SERVICE CRITERIA

Eligibility factors are the same for expedited as regular FAP benefits. Applicant groups are entitled to expedited service if one of the following applies:

- They have less than \$150 in monthly gross income and \$100 or less in liquid assets.
- They are destitute migrant or seasonal farmworkers and have \$100 or less in liquid assets (refer to BEM 610).
- The group's combined gross income and liquid assets are less than its monthly rent and/or mortgage payments plus the Heat and Utility Standard, or Non-Heat Electric, Water and/or Sewer, Telephone, Cooking Fuel or Trash Removal standards.

FAP groups entitled to expedited service are required to do **all** of the following:

- Complete and submit a DHS-1171, Assistance Application.
- Participate in an interview (i.e., in-person, telephone or home call).
- Cooperate with certain verification requirements. See **“MINIMUM VERIFICATION”** in this item.

SUBSEQUENT BENEFITS

Food Assistance groups that did **not** provide all required verifications will **not** be issued benefits for subsequent months until the FAP group provides the waived verification **or** completes a redetermination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's application and stopped payment of expedited Food Assistance Program (FAP) benefits due to her failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 15, 2009

Date Mailed: December 21, 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.

GFH 

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