

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: 20106096

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

January 7, 2010

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted on January 7, 2010. The Claimant appeared and testified along with his daughter, [REDACTED]. Linda Riffenburg, FIM and Sophronia Long, ES appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's Food Assistance ("FAP") 10/13/09 application?

FINDINGS OF FACT

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

1. The Claimant applied for FAP benefits on October 13, 2009. Claimant had an in person interview in the Department office.

2. The Claimant signed the FAP application at home. (See, Exhibit 1).
3. The Claimant refused to resign the application in front of Department personnel when requested. The Department, therefore, denied Claimant's request for FAP benefits.
4. The Claimant filed a request for a hearing on October 19, 2009.

CONCLUSIONS OF LAW

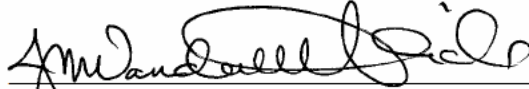
The Food Assistance Program, formerly known as the Food Stamp ("FS") program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations ("CFR"). The Department of Human Services ("DHS"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et. seq.* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM"). The regulations require that the client must sign and date the application in the presence of a Department representative at an in person interview, even if the application was already signed. BAM 115, p. 2.

In this case, the Claimant admitted that he refused to resign the application even though he was requested to do so. The regulations are clear that this is required. Accordingly, the Department's determination to deny benefits based on Claimant's refusal to sign is **AFFIRMED**.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of

law, ORDERS that the Department's denial of Claimant's 10/13/09 application was proper and is AFFIRMED.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 01/19/10

Date Mailed: 01/20/10

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.

JV/dj

cc:

