

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.: 2010-1460  
Issue No.: 3004  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
November 9, 2009  
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on November 9, 2009. The Claimant personally appeared and testified.

ISSUE

Did the department properly close the claimant's Food Assistance (FAP)?

FINDINGS OF FACT

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

1. On July 20, 2009, the claimant was notified to complete and return the FAP application along with various verifications by July 28, 2009.
2. On July 29, 2009, the department sent the claimant a notice of missing information. (Department exhibit 2).

3. The department does not have a signed application for claimant, and there is no evidence that the claimant dropped off the documents and signed in when she did so.
4. On August 31, 2009, the department closed the claimant's FAP.
5. On September 15, 2009, the Claimant filed a request for a 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 (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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The claimant claims to have turned in the signed FAP application and the various pieces of verification requested by the department but there is no evidence that she did so. The department does provide a "sign in" book that claimants can sign when they provide documentation in person. The claimant's name does not appear and they were checked with the claimant at the hearing.

#### **DEPARTMENT POLICY**

##### **All Programs**

Clients must complete and sign the appropriate application form:

DHS-1171, Assistance Application (All Programs). (PAM 115, p.1).

There being insufficient evidence to prove otherwise, I find that the claimant did not properly apply complete and sign an application for FAP, and affirm the department position.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's actions in the instant case.



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Michael J. Bennane  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 12/14/09

Date Mailed: 12/14/09

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.

MJB/jlg

cc:

