

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: 2010-158
Issue No: 2012; 3012
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 17, 2009
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 held on November 17, 2009. The claimant personally appeared and provided testimony.

ISSUE

Did the department fail to process an application from the claimant for Food Assistance Program (FAP) and Medical Assistance (MA) benefits in June or July, 2009?

FINDINGS OF FACT

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

1. The claimant was receiving FAP benefits until May 31, 2009, when her FAP benefits closed. The claimant was also receiving Medical Assistance (LIF program) until June 30, 2009, when her MA closed. (Department Exhibit 1).

2. The department's Program Request Summary indicates the claimant did not apply for FAP and MA again until August 20, 2009. (Department Exhibit 4 – 5).

3. The claimant did submit a State Emergency Relief application on July 15, 2009. (Department Exhibit 6).

4. The claimant was mailed a Verification Checklist (DHS-3503) on July 18, 2009, requesting proof of income. (Department Exhibit 9).

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).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department policy requires the department to register an application in the Bridges computer system upon receipt. BAM 110. The only time a new application is not registered is if the claimant is already active for the specific program requested. BAM 110.

In this case, the claimant testified that she submitted an application for FAP and MA in either late June or early July. The department testified that they did not receive any application from the claimant until August 20, 2009.

The claimant points out that she received a Verification Checklist (DHS-3503) that was dated July 18, 2009, that requested verifications to determine eligibility for FAP and Child Development and Care (CDC) programs (see Department Exhibit 9). The claimant reasons that the department must have received her late June or early July application because she received this verification checklist.

The department testified that the claimant was sent two verification checklists, but that one for was a State Emergency Relief application that she submitted in July, 2009 and that one was for a redetermination on her CDC program, which had never closed (when the FAP and MA did). The department representatives testified that one Verification Checklist does state that it was for the FAP and CDC programs, but that it was only generated for the CDC program, due to different income being reported on the SER application. The department representative testified that Bridges must have erred and included FAP on the Verification Checklist, when it should have just been CDC.

The department supports this by providing the Program Request Summary, which shows all the registered applications for each program. This document shows no application was registered for the claimant for FAP and MA until August 20, 2009.

Further, this Administrative Law Judge notes that if the claimant had turned in an application for FAP and MA, the Verification Checklist would have indicated the documents were requested to determine eligibility for FAP and MA.

Thus, although the claimant testified she turned in an application in late June or early July, there is no evidence to support that claim. The claimant had no copy, fax record or any other evidence to show that a new application was submitted to the department prior to August 20, 2009. Thus, this Administrative Law Judge is unable to find that the department failed to process an application that the claimant submitted.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not fail to process an application from the claimant for Food Assistance Program (FAP) and Medical Assistance (MA) benefits in June or July, 2009.

Accordingly, the department's actions are UPHeld. SO ORDERED.

/S/
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 8, 2010

Date Mailed: February 23, 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.

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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.

SLK [REDACTED]

cc:

[REDACTED]