

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: 2010-16371
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 4, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 March 4, 2010. Claimant personally appeared and testified. Claimant was represented by [REDACTED], [REDACTED].

ISSUE

Did the department correctly terminate claimant's Food Assistance Program (FAP) benefits in December, 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. Claimant was a FAP recipient when she returned the Semi-Annual Contact Report to the department on November 13, 2009, with a pay stub received on November 6, 2009.
2. On December 10, 2009, department mailed the claimant a Notice of Potential Food Assistance (FAP) Closure, telling her that her FAP case will be closed on

December 31, 2009, because she did not provide required information. This information was claimant's alleged failure to provide proof of last 30 days of her income.

3. Claimant's FAP case closed on December 31, 2009. Claimant requested a hearing on January 8, 2010.

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).

Department closed claimant's FAP case at the end of December, 2009 due to her alleged failure to provide 30 day income verification with her Semi-Annual Contact Report and/or by December 31, 2009. Review of claimant's case during the hearing by claimant's caseworker resulted in locating pay stubs from November and December, 2009. Claimant's caseworker testified that these pay stubs would have been sufficient to redetermine claimant's continuing FAP eligibility, and that she will reinstate claimant's FAP benefits effective January 1, 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly terminated claimant's FAP benefits in December, 2009.

Accordingly, department's action is REVERSED as agreed by the department's representative in the hearing. Department shall:

1. Reinstate claimant's FAP benefits effective January 1, 2010.
2. Issue the claimant any FAP benefits she was entitled to but did not receive, as a result of December, 2009 FAP case closure.
3. Notify the claimant in writing of this determination.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 9, 2010

Date Mailed: March 10, 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.

IR [REDACTED]

cc: [REDACTED]