

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: 2010-25291
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 31, 2010
Grand Traverse 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 three-way telephone hearing was held on March 31, 2010. Claimant personally appeared and testified. In addition to the local county staff, DHS staff from [REDACTED] unit participated in the hearing from Lansing.

ISSUE

Did the department correctly deny claimant's Food Assistance Program (FAP) application in February, 2010?

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 applied for FAP benefits online through MIBridges computer system on January 5, 2010.

2. On January 20, 2010 department mailed the claimant a Verification Checklist, DHS-3503, asking she return proof of identity by February 2, 2010.

3. Claimant did not return requested verification. Department denied claimant's FAP application on February 3, 2010. Claimant provided verification of her identity, that being [REDACTED], and a rental agreement on March 1, 2010. Claimant also requested a hearing on this date.

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).

Departmental policy states that for FAP eligibility purposes the identity of the head of the household (grantee) must be verified. BEM 221, p. 1. Department therefore correctly requested proof of identity from the claimant.

Departmental policy further directs that clients be mailed a Verification Checklist, DHS-3503 telling them what verification is required and the due date to provide it. Clients are to be given 10 calendar days to return requested verification, unless they contact the department and request more time to obtain it after a reasonable effort to do so within initial 10 days fails. BEM 130. Department gave the claimant 10 days to return verification of identity but she failed to do

so. Department therefore properly denied claimant's FAP application after the expiration of the 10 day period with no contact from the claimant.

Claimant testified that she could not get a copy of her ID before she provided it to the department on March 1, 2010 because her copier was out of ink. When asked why she did not make a copy of her ID at another location like a local grocery store claimant stated she does not always have transportation. This Administrative Law Judge does not find claimant's reasons for failure to provide verification valid, as she failed to advise the department of any issues that caused this delay before department denied her application.

Claimant states she now understands the action and was advised to re-apply for FAP following the hearing. Local county staff will assist the claimant in doing so.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's FAP application in February, 2010.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

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

Date Signed: April 6, 2010

Date Mailed: April 6, 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.

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.

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