

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: 2010-27831
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 15, 2010
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 April 15, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case due to failure to provide required verifications?

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 an ongoing recipient of Food Assistance Program (FAP) benefits. Claimant's benefit group consists of herself, her two parents, and her two children. All of the group members buy and prepare food together but Claimant's parents are not eligible for Food Assistance Program (FAP) benefits due to citizenship. The income for Claimant's group

includes any income from her parents but the amount of Food Assistance Program (FAP) benefits is based on only the three eligible persons in the group.

(2) In late November Claimant submitted a Redetermination Form (DHS-1010).

(3) On December 11, 2009, Claimant was sent a Verification Checklist (DHS Form 3503) specifically requesting income verification for Claimant's mother. The verification was due by December 21, 2009.

(4) On January 4, 2010, Claimant was sent a Notice of Case Action (DHS-1605) stating her Food Assistance Program (FAP) case was closing.

(5) On March 11, 2010, Claimant submitted a request for 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 (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case, Claimant does not dispute that she did not send verification of the loss of her mother's income. Claimant stated that she had known her parents were not eligible for Food Assistance Program (FAP) benefits because of their citizenship status but she did not fully understand that her mother's income was being used to determine the amount of Food Assistance Program (FAP) benefits she (Claimant) got. The Department is required to verify the total

amount of income for the entire group and failure to verify the status of Claimant's mother's income resulted in ineligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Food Assistance Program (FAP) case due to failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 19, 2010

Date Mailed: April 20, 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.

GFH/alc

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