

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: 2010-28462  
Issue No: 3022  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
May 6, 2010  
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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, an in-person evidentiary hearing was held on May 6, 2010.

ISSUE

Did the Department of Human Services (DHS) properly close claimant's Food Assistance Program (FAP) case at redetermination?

FINDINGS OF FACT

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

(1) At all relevant times prior to the negative action hearing, claimant was a FAP recipient with the Michigan DHS.

(2) Claimant's case was reviewed in February, 2010. On 1/12/10 the DHS issued a DHS-1010 due back by 2/1/10. The form indicates that claimant was scheduled for a telephone interview on 2/1/10 at 3:00 p.m. A DHS-574 was issued on 1/12/10. Department Exhibit 1

(3) Un-refuted evidence on the record is that claimant was not available for the scheduled telephone interview and missed the first scheduled interview.

(4) Un-refuted evidence on the record is that the DHS-1010 was not returned until 2/3/10.

(5) The DHS attempted to contact claimant for additional telephone interviews on two subsequent occasions; claimant was not contacted on either of these occasions. There was no message service and no answer on both occasions.

(6) On 2/1/10 the DHS issued a Notice of Missed Interview to claimant. (DHS-254) Exhibit 2

(7) Claimant's FAP case closed at the end of the certification – February 28, 2010.

(8) On 3/9/10 claimant reapplied for FAP and the department opened the case.

(9) On 3/25/10 claimant filed a hearing request regarding the closure requesting FAP for a period of time for which she did not receive benefits – from 3/1/10 through 3/8/10.

#### 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).

Applicable policy to the case herein is found in numerous items, including the following: BAM Items 105, 110, 115, 130, 210, 220; BEM Items 212, 213, 500. See also BEM Item 500 series.

In this case, the department was required to issue notice of redetermination including a telephone appointment time. The review of the evidence submitted by the department indicates that the department correctly complied with its policy and procedure in issuing the DHS-1010 – Redetermination Form, informing claimant of a scheduled telephone interview and the redetermination papers attached which were necessary and due back in the local office by 2/1/10. Un-refuted evidence on the record is that claimant did not return the forms on time and was not available for the scheduled telephone interview.

The department also complied with its policy in issuing a Notice of Missed Interview – DHS-254 informing claimant that she missed her interview and it was her responsibility at that point to schedule the interview before 2/28/10. There is no evidence in this case that claimant did so.

As already noted in the Findings of Facts, claimant reapplied and had her case opened effective 3/9/10. Claimant's FAP case closed effective with the end of the certification which was 2/28/10.

After careful review of the substantial and credible evidence on the whole record, this Administrative Law Judge finds that the department correctly complied with its policy and procedure with regards to claimant's redetermination. This ALJ further finds that claimant did not comply with the department's verification requests and rescheduling an interview prior to the

end of the certification. Under these facts as applied to the policy, this ALJ finds the department acted correctly and claimant did not and thus, it must uphold the department's closure of the case. The department's closure is upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department's actions in closing claimant's FAP case at the end of the certification period on 2/28/10 was correct and thus,

The department's closure is hereby upheld.

/s/ \_\_\_\_\_  
Janice G. Spodarek  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: May 14, 2010

Date Mailed: May 14, 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.

JS/lk

cc:

