

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 2010-39491
Issue No: 3019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 21, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 hearing was held on July 21, 2010. Claimant appeared and testified.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case?

FINDINGS OF FACT

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

1. On February 1, 2010, a semi-annual contact was sent out to the Claimant with due date of March 1, 2010.
2. The form was not returned by March 1, 2010.
3. On March 26, 2010, another semi contact form was reprinted and given to Claimant's representative.
4. On March 30, 2010, a new application for MA was submitted.
5. On June 1, 2010, the Claimant requested a hearing.
6. The Department sign-in log showed the Claimant's representative signed and dropped off both, MA application and semi on March 30, 2010. The date stamp on part of the form shows March 30, 2010 as being delivered.

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 (formerly known as the Family Independence Agency) 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).


In the present case, Claimant disputes the closure of her FAP case for failure to return her semi-annual contact form. The semi-contact was first sent to the Claimant on February 1, 2010. The Claimant failed to return this form prior to March 1, 2010. The Claimant's case was due to close on March 31, 2010. The Claimant's representative submitted the requested forms on March 30, 2010 according to the sign-in log, and the corresponding exhibits showing March 30, 2010.

Since the Department was in receipt of the semi-contact form prior to closure, the Department should have deleted the negative action on the Claimant's case. While this Administrative Law Judge believes the worker did not receive the document, it is clear the Department was given the document. Since the Claimant supplied the document prior to closure, the negative action must be deleted.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was not acting in compliance with Department policy.

Accordingly, the Department's decision is REVERSED and the Department is to reopen the Claimant's FAP benefits back to the date of closure and supplement the Claimant for any loss in benefits.


Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/10/10

Date Mailed: 08/10/10

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.

JWO/dj

cc:

