

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: 20105109
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 28, 2010
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 January 28, 2010.

ISSUE

Was the claimant's FAP application properly denied for a failure to provide 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 applied for FAP in Oakland County on July 15, 2009.
- (2) On August 18, 2009, claimant was given a verification checklist requesting verification of identity, due by August 28, 2009.
- (3) Claimant was also sent an interview appointment, requesting an interview on August 27, 2009.

- (4) Claimant failed to attend the interview.
- (5) Claimant was sent a notice of missed interview, but this notice did not give claimant chance to reschedule the interview.
- (6) Claimant's application was denied on August 27, 2009, one day before the verifications were due.
- (7) This denial was because claimant had failed to return verifications.
- (8) On September 4, 2009, claimant requested a 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 (B AM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

A DHS-1171, Assistance Application must be completed when eligibility is determined. BAM 210. An application is considered incomplete until it contains enough information to determine eligibility. BAM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may be denied. A claimant has 10 days to return requested verifications, though an extension can be granted. BAM 130.

Claimant was sent a verification checklist on August 18, 2009. Claimant's case was denied on August 27, 2009. Evidence shows that claimant submitted the requested verifications on August 28, 2009. Claimants have 10 days to return requested verifications. Claimant's application was denied before his policy mandated time limit had ended. Therefore, the Department was in error.

Furthermore, while claimant missed his interview, he should have been given at least 10 days to reschedule the interview. BAM 115. Claimant was not given any time and his application was immediately denied. This was error, most likely caused by the fact that claimant's application was already past the standards of promptness for processing when the initial interview was scheduled. Bridges appeared unable to compute the processing delay and closed claimant's case immediately; this is error, and a trouble ticket should be opened in the case so that Bridges does not make the same error again.

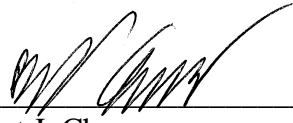
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's assistance application was incorrect.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to process claimant's FAP application retroactive to the filing date of July 15, 2009. As claimant has already provided all necessary verifications, the Department is FURTHER ORDERED to supplement claimant any missed benefits, retroactive to the date of application, in accordance with policy found in the Bridges Administrative and

Eligibility Manuals, should eligibility be established.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/22/10

Date Mailed: 03/26/10

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.

RJC/dj

cc:

