

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.: 2010-5189
Issue No.: 3012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
December 7, 2009
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on December 7, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly open the Claimant's Food Assistance (FAP)?

FINDINGS OF FACT

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

1. On October 6, 2009, the Claimant applied for FAP.
2. On October 14, 2009, the department denied the claimant's FAP application.
3. On October 22, 2009, the claimant applied for FAP a second time.
2. On October 22, 2009, the Claimant filed a request for 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 (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 instant case the department denied the claimant's FAP application because she was receiving benefits in the state of [REDACTED].

At the hearing the claimant provided evidence that the [REDACTED] benefits closed on October 8, 2009, and that the department received information to that effect via facsimile on October 16, 2009.

STANDARDS OF PROMPTNESS

All Programs

The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information.

Exception #1: For **FAP**, the SOP begins when the **correct** local office receives it. See [PAM 110](#).

Exception #2: For **FAP**, when a person applies for SSI and FAP before being released from a medical institution, the SOP begins on the applicant's date of release.

See [PAM 105](#), for the minimum required information for filing.

Process applications and requests for member adds as quickly as possible, with priority to the earliest application date. See "[PROCESSING DELAYS](#)" in this item. Requests for member adds must be registered on ASSIST. See AUM 150.

FIP, CDC, SDA, MA and AMP Only

Approve or deny the application and mail the client a notice within 45 days. If the client applied for CDC, the CDC provider must also be sent a notice within 45 days.

Exceptions:

10 days for all pregnant Medicaid applicants.

30 days for Refugee Assistance Program (RAP) Cash Assistance applicants.

60 days for SDA applicants.

90 days for MA categories in which disability is an eligibility factor.

The SOP can be extended 60 days from the date of deferral by the Medical Review Team.

For CDC, also send a notice to the client and provider applicant within six workdays of receiving the DHS-220-A/220-A-SP, Day Care Aide Provider Application, from a person applying to be a day care aide or the DHS-220-R/220-R-SP, Relative Care Provider Application, from a person applying to be a relative care provider. The notice must inform the client and provider applicant whether the provider application has been approved, denied or withdrawn. See PEM 704.

MA Only

The SOP for an **initial asset assessment** begins the date the local office receives a signed DHS-4574-B, Assets Declaration. Complete the assessment and mail the client and spouse a notice within 45 days. See PEM 402.

FAP Only

Expedited FAP benefits must be available to the group by the **seventh** calendar day after the application date. By this date, clients must have a Bridge card and access to their benefits. To be considered timely, you **must** process expedited FAP benefits by the fourth calendar day after the application date. See [PAM 117](#).

The SOP for all other eligible FAP groups is 30 days. By this date, clients must have a Bridge Card and access to their benefits. To be considered timely, you must process FAP benefits by the twenty-

seventh calendar day after the application date. See [PAM 401E](#), Bridge Card Issuance. (PAM115, pp.10-12)

Here, the department correctly denied the claimant's application on October 6, 2009, because she had an open benefit in another state. According to the above policy the department would have been in violation of the above policy for expedited FAP benefits. However, there is no evidence that the claimant applied for expedited FAP.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law **AFFIRMS** the department's actions in the instant case.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 02/24/2010

Date Mailed: 02/24/2010

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.

MJB/jlg

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cc:

