

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: 2010-7622
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 6, 2010
Grand Traverse 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 hearing was held on January 6, 2010. Claimant appeared and testified along with her daughter who is an authorized hearing representative.

ISSUE

Did the Department of Human Services properly remove Claimant's shelter expenses from her Food Assistance Program (FAP) financial eligibility budget, due to Claimant's failure to verify the expenses?

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.

- (2) During the month of June, 2009 Claimant was making preparations to move to a different county. Claimant reported the pending move to her local county Department of Human Services office and that office notified the new county office.
- (3) On June 24, 2009, the new county office sent a Shelter Verification (DHS Form 3688) and Verification Checklist (DHS Form 3503) to Claimant's new address. Claimant's specific apartment number was not included on the address. The verification was due back on July 7, 2009.
- (4) On June 26, 2009, Claimant moved to the new apartment.
- (5) On October 27, 2009, the new local office became aware that the required shelter verification had never been received. Action was pended to remove Claimant's shelter expense from her Food Assistance Program (FAP) financial eligibility budget. Claimant was sent a Notice of Case Action (DHS-1605) stating her Food Assistance Program (FAP) benefits would be reduced.
- (6) On November 2, 2009, Claimant submitted a timely hearing request.

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).

In this case, Claimant asserts she did not receive the Shelter Verification (DHS Form 3688) or Verification Checklist (DHS Form 3503) that was sent. Analyzing this issue is the first step in deciding the case.

Claimant testified that she lives in an apartment building with 12 apartments and the mailboxes for all the apartments are located inside, in a common area on the ground floor. Claimant testified that a few days after she moved in she spoke with the mail person, introduced herself, and at that time the mail person was not aware of her name or that she had moved into the building. Claimant also testified that the mailboxes are not very big so items larger than regular envelope size are left out in the mailbox area for collection.

The verifications sent from the local county office were not returned as undeliverable. The Department representative testified that the verifications would have been sent in a larger than regular envelope. The Department still lists Claimant's address without the apartment number, but Claimant does regularly receive her mail from the Department.

The facts in this specific case are supportive of Claimant's assertion that she did not receive the verifications. Claimant's assertion is found credible. Since Claimant did not receive the verifications, she would not be able to return them in a timely manner. Removing Claimant's shelter expenses from her Food Assistance Program (FAP) financial eligibility budget is not an appropriate action in this specific case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly remove Claimant's shelter expenses from her Food Assistance Program (FAP) financial eligibility budget, due to Claimant's failure to verify the expenses.

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

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

Date Signed: January 25, 2010

Date Mailed: January 27, 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.

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