

**STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES**

**IN THE MATTER OF:**



Reg. No.: 201251296  
Issue No.: 3012  
Case No.: [REDACTED]  
Hearing Date: July 5, 2012  
County: Wayne DHS (17)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on July 5, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

**ISSUE**

The issue is whether DHS properly failed to process Claimant's Food Assistance Program (FAP) benefit application.

**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 11/16/11, Claimant applied for FAP and Medical Assistance (MA) benefits.
2. DHS has yet to process Claimant's application due to unspecified problems with the DHS database.
3. On 4/9/12, DHS determined Claimant's MA benefit eligibility and mailed Claimant a Notice of Case Action informing her of the decision.
4. On 4/26/12, Claimant requested a hearing to dispute the failure of DHS to process her FAP benefit eligibility and to dispute the MA benefit eligibility from 4/9/12.
5. There is no current dispute concerning MA benefit eligibility.

### **CONCLUSIONS OF LAW**

The Food Assistance Program (formerly known as the Food Stamp 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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

To insure reasonable turn-around times on decisions, DHS imposed standards of promptness for each of their programs. The standard of promptness begins the date the department receives an application/filing form, with minimum required information. BAM 115 at 12. FAP benefits must be available to clients by the seventh day for expedited and the thirtieth day for regular FAP. *Id.* at 13.

The first issue to determine is when Claimant applied for FAP benefits. DHS contended that Claimant applied on 12/1/11 because that was the application date noted in the DHS computer system, Bridges. Superior evidence would have been the actual application. Had the application been presented, it could have been checked for a Claimant signature date and/or a DHS stamp date of receipt. The application was not available for examination because DHS lost Claimant's case file.

Claimant testified that she thought that she submitted her application to DHS on 11/14/11 or 11/16/11. Typically, Claimant testimony is unreliable evidence of a date of application. However, typically, case files are available for examination and several months have not lapsed since the application was submitted. Based on the presented evidence, Claimant's testimony is found to be the best evidence of her application date. Because Claimant was unsure of the precise date, the latter of the two dates will be accepted. It is found that Claimant applied for FAP benefits on 11/16/11.

As of the date of the administrative hearing, over seven months have passed since Claimant submitted a benefit application to DHS. DHS has still not processed Claimant's application for FAP benefits. Whether the 7 day or 30 day standard of promptness is recognized does not matter, both have been exceeded beyond appropriateness. It is found that DHS failed to meet the standard of promptness for processing Claimant's FAP benefit eligibility from an application dated 11/16/11.


### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to process Claimant's application for FAP benefits. It is ordered that DHS:

- (1) register Claimant's FAP benefit application for 11/16/11;

- (2) process Claimant's eligibility for FAP benefits; and
- (3) supplement Claimant for any FAP benefits not received as a result of the DHS delay.

The actions taken by DHS are REVERSED.

  
Christian Gardocki  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: July 11, 2012

Date Mailed: July 11, 2012

**NOTICE:** Michigan Administrative Hearing System (MAHS) 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. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases).

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail to:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

CG/hw

cc:

