

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No: 201269045
Issue No: 3008
Case No: [REDACTED]
Hearing Date: September 12, 2012
Livingston 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 September 12, 2012. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's Food Assistance Program (FAP) re-determination?

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. On July 31, 2012, Claimant submitted a request for hearing in which she stated she had not been sent a re-determination form.
3. On August 1, 2012, Claimant's Food Assistance Program (FAP) was closed in error. Claimant's Food Assistance Program (FAP) was due for re-determination by July 31, 2012 but the Department had not sent her a Redetermination Form (DHS-1010). Claimant was directed to pick up a Redetermination Form (DHS-1010), submit all the required information and verifications, and her Food Assistance Program (FAP) would be re-instated back to August 1, 2012.
4. On August 10, 2012, Claimant submitted an online application. The Department used the new application as a substitute for the Redetermination Form (DHS-1010) and began re-determination of Claimant's Food Assistance Program (FAP) eligibility.

5. On August 13, 2012, Claimant was sent a Verification Checklist (DHS Form 3503) requesting verification of self-employment income, current balance of [REDACTED], and current balance of [REDACTED]. The verifications were due back by August 23, 2012.
6. On August 14, 2012, Claimant's request for hearing was sent to Michigan Administrative Hearing System (MAHS).
7. On August 22, 2012, notice of this hearing was issued to both Claimant and the Department.
8. On August 30, 2012, the Department had not received the requested verifications. The closure of Claimants Food Assistance Program (FAP) on August 1, 2012 was left in effect.

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 (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case Claimant submitted a request for hearing about closure of her Food Assistance Program (FAP) on August 1, 2012. Both Claimant and the Department agree that Claimant's Food Assistance Program (FAP) was closed in error because Claimant was not sent a Redetermination Form (DHS-1010). The Department took steps to correct the error and make Claimant's subsequent re-determination of Food Assistance Program (FAP) eligibility, retroactive to August 1, 2012.

Claimant does not dispute that she did not submit the verifications requested in the August 13, 2012 Verification Checklist (DHS Form 3503). Claimant testified that she thought the Department had everything necessary so she did not submit any more documents. Claimant also testified that her on had a [REDACTED] on [REDACTED] and a difficult recover period for two weeks after.

While Claimant's circumstances make her over site understandable, the law and Department policy require current verification of income and assets be used in determining Food Assistance Program (FAP) eligibility. The circumstances in this unique case, corrected any error initially made by the Department. Claimant's failure to provide required verifications necessary for retroactively determining her Food Assistance Program (FAP) eligibility was not caused by the Department. The Department's closure of Claimant's Food Assistance Program (FAP) on August 1, 2012 was a correct action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's Food Assistance Program (FAP) re-determination.

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

/s/

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 18, 2012

Date Mailed: September 19, 2012

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.

GFH/tb

cc:

