

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201266327
Issue No: 3008
Case No: [REDACTED]
Hearing Date: August 28, 2012
SSPC-WEST

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 August 28, 2012. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's June 7, 2012 Food Assistance Program (FAP) application?

FINDINGS OF FACT

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

1. On June 7, 2012, Claimant submitted an application for Food Assistance Program (FAP) benefits.
2. On June 21, 2012, Claimant was interviewed and stated she was employed by the [REDACTED] but was off of work under the [REDACTED] (FMLA). Claimant was sent a Verification Checklist (DHS Form 3503) (Pages 32 & 33) which requested Claimant's wages, salaries, tips, and commissions. The form indicated four forms of verification that were acceptable: last 30 days of earnings statements; an employer statement; a Verification of Employment (DHS Form 38); or a DHS-3569 Agricultural Income Verification. The verifications were due by July 2, 2012.
3. On July 6, 2012, Claimant submitted a letter, dated June 6, 2012, from the [REDACTED] of the [REDACTED] of [REDACTED]. The letter stated that Claimant's extension of her medical leave of absence under [REDACTED] was approved until [REDACTED].

4. On July 6, 2012, Claimant was sent a Notice of Case Action (DHS-1605) which stated her application was denied.
5. On July 11, 2012, Claimant submitted a copy of her leave and earnings statement for the [REDACTED] [REDACTED] ending [REDACTED] [REDACTED] [REDACTED]
6. On July 30, 2012, Claimant submitted a request for 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 (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case the Department asserts that the application was denied because they did not get verification that Claimant was not receiving income from her [REDACTED]. On the day Claimant's application was denied, July 6, 2012, the only verification received was that Claimant was on a medical leave of absence under [REDACTED]. A [REDACTED] of [REDACTED] [REDACTED] can use [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] while on a [REDACTED] [REDACTED] of absence under [REDACTED]. On July 6, 2012, Claimant had not provided sufficient verification of her income for purposes of receiving Food Assistance Program (FAP) benefits.

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 June 7, 2012 Food Assistance Program (FAP) application.

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 4, 2012

Date Mailed: September 5, 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:

