

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

IN THE MATTER OF:



Reg. No.: 201333487
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: April 4, 2013
County: SSPC-EAST-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 April 4, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's January 25, 2013 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 January 25, 2013, Claimant submitted an application for Food Assistance Program (FAP) benefits.
- (2) On January 28, 2013, Claimant was interviewed by telephone and approved for expedited Food Assistance Program (FAP) benefits pending a full eligibility determination. The case worker was informed that Claimant had a family contribution from his [REDACTED] and a [REDACTED] expense. Claimant was sent a Verification Checklist (DHS Form 3503) requesting shelter verification and verification of a reported [REDACTED] contribution. The verifications were due on February 7, 2013.
- (3) On February 6, 2013, Claimant submitted the required shelter verification.
- (4) On February 7, 2013, the DHS case worker called Claimant and let him know that the family contribution verification had not been received yet.
- (5) On February 22, 2013, the family contribution verification had not been received. Claimant was sent a Notice of Case Action (DHS-1605) which stated his expedited Food Assistance Program (FAP) benefits would end on March 1, 2013.

- (6) On March 7, 2013, Claimant submitted a request for hearing and verification of the family contribution.

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).

At this hearing Claimant asserts he sent the family contribution verification in on February 7, 2013 right after he was told the Department did not have it. Claimant also asserted he had the fax transmission report that would prove he sent it in, but not with him at the hearing. The record was held open in order to afford Claimant to submit the evidence through the Department representatives present at this hearing. Claimant did not provide a fax transmission report showing he sent anything in on February 7, 2013. Claimant did provide the fax transmission report and all pages of the fax he sent on March 7, 2013.

The letter reporting a family contribution which Claimant did send to the Department on March 7, 2013, is dated February 7, 2013. Claimant asserts that the date of the letter shows it was sent on February 7, 2013. Evidence that showed the verification was successfully sent on February 7, 2013 is the only evidence which would make the Department's action incorrect in accordance with law and policy. There is no evidence in the record which shows the verification was successfully sent on February 7, 2013.

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 January 25, 2013 Food Assistance Program (FAP) application.

201333487/GFH

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: 4/12/13

Date Mailed: 4/12/13

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.

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

GFH/tb

cc:

