

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

IN THE MATTER OF:



Reg. No.: 201336699
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: April 23, 2013
County: Wayne 19

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 23, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's January 28, 2013 Food Assistance Program (FAP) application for failure to provide required verifications?

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 28, 2013, Claimant submitted an application for Food Assistance Program (FAP) benefits.
- (2) On January 30, 2013, Claimant was sent a Verification Checklist (DHS Form 3503).
- (3) On February 14, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) application was denied.
- (4) On March 18, 2013, 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 all the Department correspondence lists [REDACTED] as the specialist. FIM [REDACTED] and AP [REDACTED] represented the Department at this hearing. They both testified that [REDACTED] was the assigned worker and that [REDACTED] was assisting on the case. The record contains 28 pages of verifications which both Claimant and [REDACTED] testify was brought in by Claimant on March 21, 2013.

During this hearing Claimant testified that she dropped off all the required verifications on the afternoon of February 8, 2013 and signed the log. Claimant also testified that she dropped everything off again on the afternoon of February 14, 2013 and signed the log. [REDACTED] and [REDACTED] testified that they though [REDACTED] had checked the [REDACTED]. [REDACTED] and [REDACTED] both testified that they did not personally check the [REDACTED].

Department of Human Services Bridges Administration Manual (BAM) 115 Application Processing (2013) provides the following guidance for case workers.

Subsequent Processing FAP Only

Proceed as follows when a client completes the application process **after denial** but within 60 days after the application date.

On or before the 30th day:

- Re-register the application, using the **original** application date.
- If the client is eligible, determine whether to prorate benefits according to initial benefits policy in this item.

Between the 31st and 60th days:

- Re-register the application, using the date the client **completed** the process.
- If the client is eligible, prorate benefits from the date the client complied.

In this case Claimant's application was dated January 28, 2013. The 30th day was February 27, 2013 and the 60th day was March 29, 2013.

This record contains no competent evidence from the Department that refutes Claimant's testimony of submitting verifications and [REDACTED] on February 8 & 14, 2013. Claimant's testimony is found credible. The Department does not dispute that Claimant provided verifications on March 21, 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 DID NOT properly deny Claimant's January 28, 2013 Food Assistance Program (FAP) application for failure to provide required verifications.

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

It is further ORDERED that: Claimant's January 28, 2013, application be reinstated; the drop off log be reviewed for the afternoons of February 8 & 14, 2013; and Claimant's application be processed in accordance with Department policy cited above.

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

Date Signed: 4/29/13

Date Mailed: 4/30/13

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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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:

