

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

IN THE MATTER OF:



Reg. No.: 201348637
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: June 25, 2013
County: 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 June 25, 2013. Claimant appeared by telephone and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's March 18, 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 March 18, 2013, Claimant submitted an application for Food Assistance Program (FAP) benefits.
- (2) On March 27, 2013, Claimant was sent a Verification Checklist (DHS Form 3503) which requested earned income and employment verifications. The verifications were due back on April 8, 2013.
- (3) On April 18, 2013, the Department had not received Claimant's final pay check stubs. Claimant was sent a Notice of Case Action (DHS-1605) which stated his application was denied.
- (4) On May 7, 2013, Claimant submitted another application for Food Assistance Program (FAP) benefits.

- (5) On May 17, 2013, Claimant submitted the required pay check stubs along with 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).

During this hearing Claimant testified that he did not get his final pay check stubs in until May 17, 2013. Claimant stated he did not know how to print them off the internet and finally got the help of a friend who knew how to print them off.

Department of Human Services Bridges Administration Manual (BAM) 115 Application Processing (2013) directs that when a Food Assistance Program (FAP) application is completed after denial by the 30th day after the application, the application is re-instated to the original application date. If the application is completed between the 31st and 60th day after the application date, the application is re-registered for the completion date. In the present case Claimant's first application was on March 18, 2013, April 17, 2013 was the 30th day, and May 17 was the 60th day. If Claimant had only submitted the March 18, 2013 application he would be eligible for Food Assistance Program (FAP) benefits beginning May 17, 2013.

Claimant submitted another application on May 7, 2013 and all required verifications were received within 30 days of the second application. Based on the second application Claimant was eligible for Food Assistance Program (FAP) benefits beginning May 7, 2013. The Department followed acted on the circumstances which were most beneficial to Claimant and used the date of the second application as the beginning of his FAP eligibility. The Department's actions were correct in accordance with law and policy.

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 March 18, 2013 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: 7/2/13

Date Mailed: 7/2/13

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

GFH/tb

cc:

