

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

IN THE MATTER OF:



Reg. No.: 201336423
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: April 23, 2013
County: Wayne 17

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 end Claimant's Food Assistance Program (FAP) on March 1, 2013?

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. Claimant's eligibility certification period was set to expire on February 28, 2013.
- (2) On February 12, 2013, Claimant was sent a Verification Checklist (DHS Form 3503) requesting verification of her [REDACTED] [REDACTED]
- (3) On February 28, 2013, the Department had not received the required verification. Claimant was sent a Notice of Case Action (DHS-1605) stating her Food Assistance Program (FAP) would end.
- (4) On March 19, 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).

When Claimant requested this hearing she wrote "I apologize for not turning in the remaining info needed . . . and forgot to send the info." At this hearing Claimant asserted she faxed in the required verification on February 27, 2013. When asked, Claimant asserted she had the fax confirmation sheet. Claimant was given additional time to submit the fax confirmation sheet as evidence to both DHS and this Administrative Law Judge. To date no additional evidence has been received. In order to comply with time requirements in the Federal Regulations, this Decision an Order must be finished and issued.

No evidence in this record shows that Claimant submitted the required verification by February 28, 2013, the last day of her Food Assistance Program (FAP) eligibility certification period. Without the required verification the Department was unable to determine ongoing Food Assistance Program (FAP) eligibility so Claimant's FAP was required to end.

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 ended Claimant's Food Assistance Program (FAP) on March 1, 2013.

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: 5/3/13

Date Mailed: 5/3/13

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:

