

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.: 201337373
Issue No.: 1000, 2000, 3008, 6000
Case No.: [REDACTED]
Hearing Date: April 25, 2013
County: Macomb

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 25, 2013. Claimant and her authorized hearing representative appeared and testified. Prior to the end of the recorded record Claimant and her authorized hearing representative reported that the Family Independence Program (FIP), Medical Assistance (MA), and Child Development and Care (CDC) issues were resolved. Those aspects of the hearing request are dismissed.

ISSUE

Did the Department of Human Services properly deny Claimant's February 13, 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 February 13, 2013, Claimant submitted an application for Food Assistance Program (FAP) benefits.
- (2) On February 14, 2013, a Verification Checklist (DHS Form 3503) was sent to Claimant. The required verifications were due on February 25, 2013.
- (3) On February 25, 2013, Claimant was sent a Quick Note (DHS-100) which stated she must provide proof of her [REDACTED] [REDACTED] at [REDACTED] by March 5, 2013.
- (4) On March 8, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) application was denied.
- (5) On March 21, 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).

The Department case worker who processed Claimant's February 13, 2013 application was not present at this hearing. Claimant testified that she submitted the bank statement on March 7, 2013. The Department submitted no evidence at all on the question of what verifications were submitted or when. Department of Human Services Bridges Administration Manual (BAM) 115 Application Processing (2013) pages 18 & 19 states:

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.

The Department has not presented any evidence to contradict Claimant's testimony that her application was completed on March 7, 2013, the 22nd day after the application. Therefore, the Department has not met its burden of presenting evidence that denial of the application was 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 has not met its burden of presenting evidence that

Claimant's February 13, 2013 Food Assistance Program (FAP) application was properly denied.

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

It is further ORDERED that Claimant's February 13, 2013 Food Assistance Program (FAP) application be reinstated and reprocessed in accordance with Department policy.

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

Date Signed: 4/26/13

Date Mailed: 4/29/13

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

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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:

