

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-010537
Issue No.: 3007
Case No.: [REDACTED]
Hearing Date: September 24, 2014
County: Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Gary Heisler

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on September 24, 2014, from Lansing, Michigan. Participants on behalf of Claimant included himself and his daughter [REDACTED]. Participants on behalf of the Department of Human Services (Department) included ES [REDACTED] and FIM [REDACTED].

ISSUE

Did the Department properly process Claimant's May 13, 2014 Food Assistance Program application?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On May 13, 2014, a Food Assistance Program application was submitted by Claimant's spouse.
2. On May 21, 2014, a Verification Checklist (DHS-3503) was sent to the group. Current verification of Claimant's checking account was requested. The verification was due by June 2, 2014.
3. On May 26, 2014, Claimant's spouse passed away. The name on the case was changed to Claimant's
4. On June 6, 2014, the Department had not received current verification of Claimant's checking account. A Notice of Case Action (DHS-1605) was sent stating that the May 13, 2014 Food Assistance Program application was denied.
5. On July 2, 2014, the required checking account verification was submitted to the Department.

6. On July 3, 2014, Claimant was sent a Notice of Case Action (DHS-1605) which stated the group was eligible for Food Assistance Program benefits beginning July 2, 2014.
7. On August 15, 2014, Claimant submitted a hearing request.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

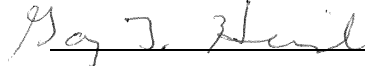
The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

In this case it is undisputed that the current verification of Claimant's checking account was not submitted until July 2, 2014. Claimant testified that he was out of the country from May 31, 2014 until approximately the middle of June 2014 due to the burial of his wife. Federal Regulations mandate that a Food Assistance Program eligibility determination must be completed within 30 days of an application. Bridges Administration Manual (BAM) 115 Application Processing (2014) at page 23 allows an application to be re-registered to the original application date if the application is completed after denial but before 30 days after the application date. If the application is completed after denial but between 30 and 60 days after the application can be re-registered to the date the application was completed. Regardless of the reason for the delay in completing the application, no exceptions are provided for.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it processed Claimant's May 13, 2014 Food Assistance Program application.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Gary Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/2/2014**

Date Mailed: **10/2/2014**

GFH / hj

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

cc:

