

**IN THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

Petitioner,	:	Docket No.:	
	:	OSAH-DFCS-FSP-	-Malihi
v.	:		
	:		
DHS, FAMILY & CHILDREN SERVICES,	:		
Respondent.	:		
	:		

INITIAL DECISION

I. INTRODUCTION

This action came before the Court pursuant to the appeal filed by Petitioner under the Official Code of Georgia (O.C.G.A.) §§ 49-4-13 and 49-4-153, from decision of the Georgia Department of Human Services (DHS) to close Petitioner's Food stamp¹ case. This Court has jurisdiction to hear this matter pursuant to Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." For the reasons indicated below, Respondent's decision is **REVERSED** and the action is **REMANDED**. Petitioner appeared for the hearing. However, Respondent failed to appear. This decision is entirely based on Petitioner's motion for summary determination and the documents provided by Petitioner.

II. FINDINGS OF FACT

Petitioner's food stamp case was scheduled for review. Petitioner was required to complete and submit a form online. Petitioner complied with this requirement in a timely manner. Petitioner was further required to be available for a telephone interview at a specific date and time. Petitioner was available to receive a call from Respondent as required. Respondent did not contact Petitioner. Several hours after the prearranged time, someone from Respondent's agency contacted Petitioner. The caller instructed Petitioner to call 1.877.423.4746 for his required interview. Petitioner

attempted to contact the provided number on numerous occasions, without success. Respondent terminated Petitioner's benefits for failure to participate in the review process.

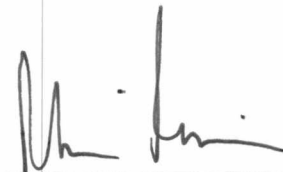
III. CONCLUSIONS OF LAW

No household shall be eligible to participate in the supplemental nutrition assistance program if it refuses to cooperate in providing information to the State agency that is necessary for making a determination of its eligibility or for completing any subsequent review of its eligibility. *See* 7 U.S.C.S. § 2015(c); 7 CFR § 273.2(d). The credible evidence shows that Petitioner was not contacted by Respondent. The evidence further shows that, despite repeated attempts by Petitioner, Petitioner was unable to contact Respondent for his interview at the telephone number provided by Respondent. Therefore, the Court concludes that Petitioner did not fail to participate in the review process. Accordingly,

IV. DECISION

IT IS HEREBY ORDERED THAT the decision of the Respondent to close Petitioner's case is **REVERSED** and the case is **REMANDED** with direction to DFCS to restore Petitioner's benefits

August 7, 2013.



MICHAEL MALIHI, Judge

¹ As of Oct. 1, 2008, "Supplemental Nutrition Assistance Program" (SNAP) is the new name for the federal Food Stamp Program.