

**STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS & RULES  
FOR THE DEPARTMENT OF HUMAN SERVICES**

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IN THE MATTER OF:

DHS Reg. No: 2008-28322  
SOAHR Docket No. 2008-28414 REHD  
Case No: [REDACTED]

[REDACTED]

Appellant

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**RECONSIDERATION DECISION**

This matter is before the undersigned Administrative Law Judge (ALJ) pursuant to MCL 24.287(1) and 1993 AACRS R 400.919 upon the request of the Department. The undersigned Administrative Law Judge reviewed all documentary evidence, the Decision and Order, and the Request for Reconsideration, prior to rendering this Order of Reconsideration.

**ISSUE**

Did the Administrative Law Judge err in her reversal of the Department's reduction of Claimant's Food Assistance Program (FAP) benefits?

Did the Administrative Law Judge err when she ordered the Department to reinstate Claimant's FAP benefits and assess Claimant's FAP budget using his medical expenses?

**FINDINGS OF FACT**

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

1. On July 31, 2008, Administrative Law Judge Landis Lain issued a Decision and Order in which the Administrative Law Judge reversed the Department of Human Services' (DHS) reduction of Claimant's FAP benefits. The ALJ also ordered DHS to reinstate Claimant's FAP benefits and assess Claimant's FAP benefits with the inclusion of his medical expenses.

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2. On August 15, 2008, the State Office of Administrative Hearings and Rules, Administrative Hearing for the Department of Human Services received the Department of Human Services Request for Rehearing/Reconsideration. The Department's Request for Reconsideration asserted that the ALJ misapplied policy because the Claimant did not meet the senior, disabled, and veteran (SDV) criteria to be eligible for medical expense deductions.
3. On September 11, 2008, the State Office of Administrative Hearings and Rules, Administrative Hearings for the Department of Human Services granted the Department's request for reconsideration and issued an Order of Reconsideration.
4. Findings of Fact 1 – 6 from the Decision and Order mailed July 31, 2008, are incorporated by reference.

### **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