

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-25207  
Issue No.: 3015  
Case No.: [REDACTED]  
Hearing Date: April 18, 2011  
DHS County: Kent County (41-00)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on April 18, 2011. Claimant appeared and testified at the hearing. [REDACTED], and [REDACTED] [REDACTED], appeared and testified for the Department of Human Services (DHS).

**ISSUE**

Whether Claimant's Food Assistance Program (FAP) benefits eligibility was determined in accordance with DHS policies and procedures?

**FINDINGS OF FACT**

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

1. On September 30, 2010, Claimant applied for FAP benefits with DHS.
2. On October 5, 2010, DHS sent Claimant a Verification Checklist requesting income and disability benefit information.
3. Also on October 5, 2010, DHS issued a Notice of Case Action granting FAP benefits for October, 2010.
4. On December 13, 2010, Claimant filed a second application for FAP benefits with DHS.

5. In January 2011, Claimant was without income.
6. In January 2011, Claimant did not apply for FAP benefits.
7. On January 10, 2011, DHS issued a Notice of Case Action granting \$16 FAP benefits for November 2010, and closing Claimant's case effective December 1, 2010, based on the fact that Claimant's December 2010 net income exceeded the limit allowed for recipients of FAP benefits.
8. On or about February 15, 2011, Claimant reapplied for and received FAP benefits beginning February 15, 2011.
9. On March 14, 2011, Claimant filed a Request for a Hearing with DHS.

### **CONCLUSIONS OF LAW**

FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by Federal regulations contained in Title 7 of the Code of Federal Regulations. DHS administers the FAP program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3001-400.3015. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at [www.michigan.gov/dhs-manuals](http://www.michigan.gov/dhs-manuals).

At the Administrative Hearing on April 18, 2011, Claimant testified she was disputing only the fact that she received no FAP benefits from January 1-February 15, 2011. Claimant testified she was not disputing DHS' actions in 2010. Claimant testified she understood that her December 2010 income exceeded the DHS income limit and she did not qualify for FAP at that time.

As Claimant did not apply for FAP again until about February 15, 2011, I conclude that DHS had no obligation to provide benefits to her until she applied for them. Because of her excess income in December 2010, Claimant's December 13, 2010, application, if it had been processed, would also have been denied.

In conclusion, based on the findings of fact and conclusions of law, I find and conclude that because Claimant in January 2011 did not apply for FAP benefits, the Department had no obligation to determine eligibility and award FAP benefits at that time. DHS is AFFIRMED. DHS need take no further action in this case.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, states that DHS is AFFIRMED in this case. DHS need take no further action in this matter.



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Jan Leventer  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: April 21, 2011

Date Mailed: April 25, 2011

**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.

JL/pf

cc:

