

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: 2011-4625
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 8, 2010
Grand Traverse County DHS

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 December 8, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services determine the proper amount of Claimant's Food Assistance Program (FAP) benefits?

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 September 13, 2010 Claimant submitted an application for Medical Assistance (MA) and Food Assistance Program (FAP) benefits. On the application Claimant included only himself for benefits and marked that he has a disability and is able to work.
- (2) On October 6, 2010 Claimant updated his application. Claimant changed the application and marked that he has a disability and is unable to work.
- (3) On October 7, 2010 Claimant was approved for the maximum amount of Food Assistance Program (FAP) benefits for a single recipient. Claimant was sent a Notice of Case Action (DHS-1605).

- (4) On October 27, 2010 Claimant submitted a request for hearing. On the request Claimant indicated he should get \$500 of Food Assistance Program (FAP) benefits and should not have to be disabled to receive cash assistance.

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).

At the time Claimant requested a hearing, approval of his Food Assistance Program (FAP) application was the only action the Department had taken. Claimant was determined to be eligible for the maximum Food Assistance Program (FAP) benefits allowed by law. His assertion that the amount should be more is not an issue within the jurisdiction of an Administrative Law Judge doing hearings for the Michigan Department of Human Services. The claimant's grievance is not within the scope of authority delegated to this Administrative Law Judge pursuant to a written directive signed by the Department of Human Services Director, which states:

Administrative Law Judges have no authority to make decisions on constitutional grounds, overrule statutes, overrule promulgated regulations or overrule or make exceptions to the department policy set out in the program manuals.

Claimant also argues that he should not have to be disabled to be eligible for cash assistance benefits. Once again claimant's grievance is not within the scope of authority delegated to this Administrative Law Judge pursuant to a written directive signed by the Department of Human Services Director.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides Claimant has presented no hearable issues.

Therefore, it is ORDERED that Claimant's request for hearing is dismissed.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 3, 2011

Date Mailed: January 3, 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.

GFH/tg

cc:

[REDACTED]