

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

IN THE MATTER OF:



Reg. No: 201154079
Issue No: 3023
Case No: [REDACTED]
Hearing Date: October 12, 2011
Cass County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on October 12, 2011. Claimant personally appeared and provided testimony.

ISSUE

Whether the department took the proper steps to supplement the claimant's past due Food Assistance Program (FAP) benefits after the claimant was erroneously removed from the group composition?

FINDINGS OF FACT

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

1. The claimant was receiving FAP benefits at all times pertinent to this hearing.
2. On August 22, 2011, the claimant returned a verification of employment (DHS 38) to the department for purposes of verifying the statement that a member of her group was no longer working.
3. The claimant's worker ran a new budget for the claimant after the verification of employment was submitted and it was shown that the claimant had a child support sanction.
4. Based on the sanction, the claimant was removed from the group which caused a decrease in her FAP benefits for the month of August, 2011.

5. The claimant's worker contacted the Office of Child Support and it was determined that the claimant did not have a child support sanction and that she was erroneously removed from the group for FAP purposes.
6. Based on this finding, the department issued a help ticket to issue a supplement to the claimant for the month of August, 2011 in the amount of [REDACTED].
7. The claimant filed a hearing request on September 8, 2011 stating that she did not receive her proper allotment of benefits for the month of August, 2011.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 Bridges Reference Manual (BRM).

In relation to benefit closure, and closures that occurred in error, department policy states as follows:

REINSTATEMENT REASONS

ALL PROGRAMS

Reinstatement restores a closed program to active status without completion of a new application. Closed programs may be reinstated for any of the following reasons:

- Closed in error
- Closed-correct information not entered

- Timely hearing request
- Redetermination packet not logged in
- Hearing decision ordered reinstatement
- Complied with program requirements before negative action date
- DHS-1406 manually sent and due date is after the last day of the sixth month
- Court ordered reinstatement

Bridges will determine eligibility and the amount of program benefits for the month of reinstatement and any months during which the program was closed, as if the program had not been closed. BAM 205.

In the case at hand, the department testified that the claimant was erroneously removed from her group due to an error that stated the claimant had a child support sanction. Based on the claimant being removed, the group was issued a FAP benefits for the month of August in the amount of [REDACTED]. The department testified that the amount that should have been issued to the claimant for the month of August, 2011 had the claimant been included in the group was [REDACTED]. The claimant did not refute that this amount was correct. Based on the knowledge that the claimant was erroneously removed from the group, the department issued a supplemental payment in the amount of [REDACTED] to the claimant on August 31, 2011 for the month of August, 2011. That supplement would bring the claimant's monthly benefit for the month of August, 2011 to the proper amount of [REDACTED].

The claimant testified that she did not receive the original benefit allotment of [REDACTED], but that she did receive the supplement of [REDACTED]0. The department provided evidence in the form of a bridges printout which shows payment made (see Department Exhibit13), and an accounting printout which shows amounts applied to claimants' benefit accounts and withdrawals from those accounts (see Department Exhibits 14-16). Based on the evidence supplied by the department, it does appear that the claimant was issued the full amount of her benefits, specifically [REDACTED] for the month of August, 2011. This Administrative Law Judge finds that based on the totality of the evidence of record, that the department acted properly in accordance with policy and replaced the claimant's erroneously withheld benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department took the proper steps to supplement the claimant's FAP benefits after she was erroneously removed from the group composition.

Accordingly, the department's actions are **AFFIRMED**. It is SO ORDERED.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 13, 2011

Date Mailed: October 14, 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.

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