

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201246641
Issue No.: 3000 3003
Case No.: [REDACTED]
Hearing Date: May 16, 2012
County: Wayne DHS (57)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on May 16, 2012 from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager.

ISSUES

The first issue is whether Claimant is entitled to an administrative hearing to dispute how many times DHS changes his assigned specialist.

The second issue is whether DHS properly calculated a supplement of Food Assistance Program (FAP) benefits to Claimant for the period of 12/2011-4/2012.

FINDINGS OF FACT

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

1. On an unspecified date, an administrative hearing was held, in which DHS was ordered to issue Claimant FAP benefits from 12/2011-4/2012.
2. Following the administrative hearing, Claimant submitted check stubs for his daughters' employment to assist DHS in the benefit issuance calculation.
3. On an unspecified date, DHS issued the following FAP benefits to Claimant for the following months: \$408 for 12/2011, \$541 for 1/2012, \$443 for 2/2012, \$524 for 3/2012 and \$379 for 4/2012.

4. On 4/12/12, Claimant requested a hearing to dispute the FAP benefit issuances from 12/2011-4/2012 solely because the FAP benefit amounts changed from month to month.
5. Claimant also requested a hearing to dispute the number of times that DHS changed his assigned specialist.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

BAM 600 lists the circumstances in which a hearing may be granted. The circumstances are: denial of an application and/or supplemental payments, reduction in the amount of program benefits or service, suspension or termination of program benefits or service restrictions under which benefits or services are provided or delay of any action beyond standards of promptness. BAM 600 at 3.

Claimant's first complaint was that DHS assigned numerous DHS specialists to his case. Claimant understandably is irritated by the lack of consistency in having a stable assigned worker. However, Claimant's complaint is not an appropriate basis for an administrative hearing. How DHS assigns cases to their specialists is a purely internal matter for DHS. For purposes of this issue, Claimant's hearing request is dismissed.

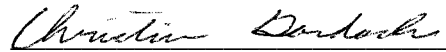
It was not disputed that DHS improperly found Claimant ineligible for FAP benefits from 12/2011-4/2012 and had to issue a supplement of FAP benefits for each of those months following an administrative decision. After the hearing decision, DHS issued Claimant the following FAP benefit amounts: \$408 for 12/2011, \$541 for 1/2012, \$443 for 2/2012, \$524 for 3/2012 and \$379 for 4/2011.

Claimant doubted the accuracy of the FAP benefit supplements solely because the issuance amounts changed from month to month. DHS explained that the FAP benefit issuances were based, in part, on income from Claimant's daughters who received fluctuating employment income. Employment income is a FAP benefit factor (see BEM 556 and BEM 503). If Claimant's daughter's employment income had varied from 12/2011-4/2012, it would logically follow that Claimant's FAP benefit issuances would have also varied. Claimant raised no other doubts about the accuracy of the FAP benefit issuances. It is found that there was no evidence to find that DHS improperly determined Claimant's FAP benefit eligibility from 12/2011-4/2012.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant is not entitled to an administrative remedy for changing Claimant's assigned specialist. Claimant's hearing request is PARTIALLY DISMISSED.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant failed to establish any basis to doubt the accuracy of FAP benefit issuances from 12/2011-4/2012. The actions taken by DHS are PARTIALLY AFFIRMED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 20, 2012

Date Mailed: May 20, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases).

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

201246641/ CG

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

