

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

IN THE MATTER OF:

████████████████████
████████████████████
████████████████████

Reg No.: 2014-23229
Issue No.: 3001, 5001
Case No.: ██████████
Hearing Date: February 12, 104, 2014
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was conducted from Detroit, Michigan on Wednesday, February 12, 2014. Claimant appeared, along with ██████████, and testified. Participating on behalf of the Department of Human Services (Department) was ██████████
██████████

ISSUE

Whether the Department acted properly calculated Claimant's Food Assistance Program (FAP) benefits as of October 1, 2013, ongoing.

Whether the Department properly denied Claimant's State Emergency Relief (SER) application.

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 August 6, 2013, the Department denied Claimant's request for SER benefits.
2. Claimant was a FAP recipient.
3. On November 20, 2013, a hearing was held regarding the Department's closure of Claimant's FAP benefits as of October 2013.

4. As a result, a Hearing Decision was mailed on November 26, 2013, which ordered the Department to reinstate Claimant's FAP benefits as of October 2013, and supplement for lost FAP benefits that Claimant was entitled to receive.
5. The Department did not fully supplement Claimant for FAP benefits for October 2013.
6. On January 17, 2014, the Department received Claimant's written request for hearing.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables (RFT).

In this case, Claimant requested a hearing regarding her FAP benefits and the denial of her SER application. Each issue will be separately addressed.

FAP

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

In this case, the Department recalculated Claimant's FAP benefits as a result of a Hearing Decision mailed on November 26, 2013, under registration number 2014-7031. The Department testified it recalculated Claimant's FAP benefits in December for October 2013, to be \$557.00. The Department further testified Claimant was supplemented \$264.00. The Department acknowledged the need to recalculate Claimant's FAP benefits and to supplement accordingly. In light of the foregoing, the Department's processing of Claimant's FAP benefits is REVERSED.

SER

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049.

In this case, the Department testified that on August 6, 2013, Claimant's SER application was improperly denied. As such, the Department agreed to re-register and process Claimant's SER application and notify Claimant accordingly.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds the Department failed to establish it acted in accordance with department policy when it recalculated and supplemented Claimant's FAP benefits for October 2013, ongoing. It is further found that the Department failed to establish it acted in accordance with Department policy when it denied Claimant's SER application.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Recalculate Claimant's FAP benefit as of October 1, 2013, ongoing.
2. Notify Claimant of the FAP determination in writing and in accordance with Department policy.
3. Supplement for lost FAP benefits (if any) that Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.
4. Re-register and process Claimant's SER application in accordance with Department policy.
5. Notify Claimant of the SER determination in writing and in accordance with Department policy.
6. Supplement for lost SER benefits (if any) that Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 20, 2014

Date Mailed: February 24, 2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

CMM/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]