

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-20037
Issue No.: 3003
Case No.: [REDACTED]
Hearing Date: January 30, 2013
County: Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

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 January 30, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] [REDACTED] (Legal Guardian). Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED]

ISSUE

Did the Department issue \$ [REDACTED] in Food Assistance Program (FAP) benefits to the Claimant for the month of December 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. As of December 1, 2012, the Claimant was eligible for \$ [REDACTED] in FAP benefits.
2. In December of 2012, the Department issued the Claimant a FAP supplement of \$ [REDACTED] and a regular payment of \$ [REDACTED]
3. On December 17, 2012, the Claimant's Legal Guardian requested a hearing indicating the Claimant only received \$ [REDACTED] for the month of December 2012.
4. On November 14, 2012, the Claimant's Legal Guardian submitted to the Department a shelter verification form.

CONCLUSIONS OF LAW

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

The FAP [formerly known as the Food Stamp (F S) 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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

The sole issue raised by the Claimant's Legal Guardian was whether or not the Department allocated and issued \$ [REDACTED] in FAP benefits to the Claimant during the month of December of 2012. Based upon my review of the documentation provided by the Department, the Department indeed allocated \$200 in FAP benefits to the Claimant for the month of December 2012. The payment came in a supplement of \$ [REDACTED] and a regular issuance of \$ [REDACTED].

I originally thought, the issue would be the November allocation as the Department only allocated \$ [REDACTED] for the month of November. But the Claimant's legal guardian made it clear that the December allocation was the issue and not the November allocation.

DECISION AND ORDER

I find, based upon the above Findings of Fact and Conclusions of Law that the Department did act properly.

Accordingly, the Department's FAP decision is **AFFIRMED**.

/s/
Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: January 31, 2013

Date Mailed: January 31, 2013

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.

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative hearings

Re consideration/Rehearing Request

P. O. Box 30639

Lansing, Michigan 48909-07322

CAA/las

cc:

