

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

**IN THE MATTER OF:**



Reg. No.: 2013-33489  
Issue No.: 3002,3014  
Case No.: [REDACTED]  
Hearing Date: April 4, 2013  
County: Wayne (31)

**ADMINISTRATIVE LAW JUDGE:** Zainab Baydoun

**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 April 4, 2013, from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Eligibility Specialist.

**ISSUE**

Did the Department act in accordance with Department policy when it calculated Claimant's Food Assistance Program (FAP) benefits?

**FINDINGS OF FACT**

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

1. Claimant was an ongoing recipient of FAP benefits.
2. In November 2012, Claimant submitted a Change Report online informing the Department that she had become the caretaker of her grandson. (Exhibit A)
3. On February 20, 2013, the Department sent Claimant a Notice of Case Action advising her that effective March 1, 2013, she would be receiving FAP benefits in the amount of \$296.00 for herself and her grandson. (Exhibit 1)
4. On March 1, 2013, Claimant filed a request for hearing disputing the Department's actions.

### **CONCLUSIONS OF LAW**

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

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] was 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 Mich Admin Code, R 400.3001 through R 400.3015.

Additionally, the Department determines FAP group composition by applying the factors found in BEM 212. See BEM 212 (November 2012). For FAP purposes, a member addition that increases benefits is effective the month after it is reported or, if the new member left another group, the month after the member deletion. BEM 550 (February 2012), p. 3; BEM 212 (November 2012), p. 7. If the Department determines that the group is eligible for FAP benefits, the Department will verify group composition factors if the information given is questionable. BEM 212, p.8.


In this case, the Department testified that it became aware in January 2012 that Claimant was caring for her grandson and wished to have him added to her FAP case, which the Department did effective March 1, 2013, after Claimant provided the requested verification on February 12, 2013. (Exhibit 1). At the hearing, however, Claimant credibly testified that in November 2012, she submitted a Change Report online notifying the Department that she was now the caretaker of her grandson and that her group size had increased to two. After submitting the online Change Report, Claimant printed a confirmation page showing that her Change Report was sent to the local Department office and the date. She was also provided with a Change Report tracking number. This confirmation page was presented at the hearing. (Exhibit A). The Department stated that they never received Claimant's online Change Report in November 2012, despite the confirmation provided. Because Claimant credibly testified and provided documentation that she submitted a Change Report online in November 2012, the Department should have requested verification if necessary at that time, added Claimant's grandson as a group member, and recalculated Claimant's FAP benefits effective December 1, 2012. See BEM 550, p. 3; BEM 212, p. 7.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not act in accordance with Department policy when it calculated Claimant's FAP benefits. Therefore, the Department's FAP decision is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Begin recalculating Claimant's FAP benefits in accordance with Department policy, applying a group size of two for December 1, 2012 ongoing;
2. Begin issuing supplements to Claimant for any FAP benefits she was eligible to receive but did not from December 1, 2012 ongoing; and
3. Notify Claimant in writing of its decision in accordance with Department policy

  
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**Zainab Baydoun**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: April 11, 2013

Date Mailed: April 11, 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  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

ZB/cl

cc:

