

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

IN THE MATTER OF:



Reg. No.: 201335737
Issue No.: 3023
Case No.: [REDACTED]
Hearing Date: April 17, 2013
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 17, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Supervisor.

ISSUE

Did the Department properly calculate Claimant's Food Assistance Program (FAP) benefits for January 2013 and February 2013?

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 is an ongoing recipient of FAP benefits.
2. In March 2013, the Department recalculated Claimant's FAP budget for September 2012 to February 2013, determined Claimant was underissued benefits for September 2012 through December 2012, and issued supplements to Claimant for FAP benefits she was eligible to receive during those months but did not.
3. On March 15, 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), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

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 (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, Claimant requested a hearing on March 15, 2013, concerning the closure of her FAP case. At the hearing, Claimant clarified that the Department had reinstated her FAP case and she was satisfied with her FAP issuances for March 2013 ongoing. However, she was concerned about her January 2013 and February 2013 FAP benefit amounts. The Department testified at the hearing that, in reviewing Claimant's FAP case after Claimant filed her hearing request, it determined that Claimant had timely notified her worker of changes in her employment income but these changes were not properly budgeted for the period between September 2012 and February 2013. The Department agreed to reevaluate Claimant's FAP issuances for September 2012 through February 2013 and testified that, when the employment income was budgeted, it concluded that it had underissued FAP benefits to Claimant for September 2012 through December 2012 and issued FAP supplements to Claimant for that period.

At the hearing, Claimant testified that she was satisfied with the Department's actions concerning her September 2012 to December 2012 FAP benefits but was concerned about the Department's failure to recalculate her January 2013 and February 2013 FAP budgets and issue any supplements for those months and wished to address that issue at her hearing. The Department responded that it had attempted to recalculate her January 2013 and February 2013 FAP budgets but its system indicated no change in the \$16 monthly FAP benefits Claimant received in those months. The Department acknowledged however, that the same earned income that was budgeted for the September 2012 to December 2012 FAP budgets should have been considered in the January 2013 and February 2013 budgets and that it anticipated an increase in FAP benefits for those months. The Department testified that it had issued a help desk ticket to Lansing for assistance in reviewing the matter. Thus, the Department acknowledged that Claimant was entitled to have the January 2013 and February 2013 FAP budgets recalculated and have supplements for any underissued benefits issued to her.


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 failed to recalculate Claimant's January

2013 and February 2013 FAP budgets and issue supplements to Claimant for any FAP benefits due to her. Accordingly, the Department's 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, in accordance with Department policy, Claimant's January 2013 and February 2013 FAP benefits to include Claimant's earned income for those months;
2. Issue supplements to Claimant for any FAP benefits she was eligible to receive but did not for January 2013 and February 2013; and
3. Notify Claimant in writing of its decision in accordance with Department policy.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 4/24/2013

Date Mailed: 4/24/2013

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

ACE/hw

cc:

