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

### IN THE MATTER OF:



Reg. No:2013-42143Issue No:3015Case No:Hearing Date:Hearing Date:May 22, 2013Macomb-12 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 Claim ant's request for a hearing. After due notice, a telephone hearing was held on May 22, 2013 from Lansing, Michigan. Participants on behalf of Claimant included for the Department of Human Services (Department) included

## <u>ISSUE</u>

Did the Department properly determine the Claimant's Food Assistance Program (FAP) allotment?

### FINDINGS OF FACT

I find as material fact, based on the compet ent, material, and substantial ev idence on the whole record:

- 1. As of April 23, 2013, the Claimant was received FAP benefits.
- 2. On April 23, 2013, the Claimant requested a hearing to protest the amount of her FAP allotment.

### CONCLUSIONS OF LAW

Department policies are contained in the Bri dges 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 T itle 7 of t he Code of Federal Regulations (CF R). The Department (formerly known as the Fa mily Independence Agenc y) admin isters FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

In this case, the Department failed to provi de testimony or exhibits to show how the Department determined the Claim ant's FAP allotment. Specifically missing were the budgets and the calculations tak en. Therefore, I was unable to determine whether the Department acted in accordanc e with the applicable laws and policies in determining the Claimant's FAP allotment.

Based upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons stated on the record, I conclude the Depa rtment improperly determined the Claimant's FAP allotment.

# **DECISION AND ORDER**

I find based upon the above F indings of Fa ct and Conclusions of Law, and for the reasons stated on the record, the Department did not act properly.

Accordingly, the Dep artment's FAP decis ion is **REVERSED** for the reasons stated on the record.

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

1. Initiate a redetermination as to t he Claimant's eligibility for FAP benefits beginning April 23, 2013 and issue re troactive benefits if otherwise qualified and eligible.

fact

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

Date Signed: May 23, 2013

Date Mailed: May 23, 2013

**NOTICE**: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order . MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 r ehearing 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 disc overed 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 r, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
- the failure of the ALJ to address ot her relevant iss ues in the hearing decision.

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

Michigan Administrative hearings Recons ideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322



