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

IN THE MATTER OF:



Reg. No.: 2013-43423

Issue No.: 3002

Case No.: Hearing Date: J

June 4, 2013

County: Wayne-17 County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before the undersigned Admini strative 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 J une 4, 2013 from Lansing, Mic higan. Participants on behalf of Claimant included Participants on behalf of Department of Human Services (Department) included In terpreting the hearing was (Arabic).

ISSUE

Did the De partment properly determine the Cla imant's eligibility for Food Assistance Program (FAP) benefits in compliance with a March 12, 2013 decision and order?

FINDINGS OF FACT

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

- 1. On March 12, 2013, Administrative Law Judge ordered the Department to redetermine the Cla imant's elig ibility for FAP benefits b eginning January 2013.
- Between March 12, 2013 and April 24, 2013, the Department redetermined the Claimant's eligibility for FAP benefits and issued the Claimant a FAP supplement.
- 3. On April 24, 2013, the Claimant requested a hearing in dispute of the FAP allotment determined for January 2013 and February 2013.

CONCLUSIONS OF LAW

Department policies are contained in the Br idges 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 the Code of Federal Regulations (CF R). 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 Claimant alleged he was eligible for additional FAP benefits above the amounts the Department awarded him for January and February of 2013. Bas ed upon the numbers provided by the Department, it appears the Claimant's FAP allotment varied significantly between January 2013 and May 2013. The Department did not provide any testimony or exhibits to show how they calculated the Claimant's FAP a llotment and could not explain the drastic swings in the eligibility amounts outside of a statement that the Claimant's income was reduced at some point.

Because the Department could not explain t he calculations taken in determining the Claimant's eligibility, I was unable to determine whether the Department's actions were appropriate. Therefore, I am reversing the Department in this matter and ordering the Department to redetermine the Claimant's eligibility for FAP benefits beginning January 1, 2013 and issue retroactive benefits if otherwise eligible and qualified.

DECISION AND ORDER

I find, bas ed upon the above Findings of Fa ct and Conclusions of Law, and for the reasons stated on the record, that the Department did not act properly.

Accordingly, the Department's FAP and MA determinations ar e **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 the Claimant's eligibility for FAP benefits beginning January 1, 2013 and issue retroactive benefits if the Claimant is otherwise qualified and eligible.

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

Date Signed: June 5, 2013

Date Mailed: June 5, 2013

NOTICE: Michigan Administrative Hearing S ystem (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 ti mely 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 <u>MAY</u> 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 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

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CC:

