

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201344014
Issue No.: 2000, 3002
Case No.: [REDACTED]
Hearing Date: May 30, 2013
County: Kalamazoo

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on May 30, 2013. Claimant and his father appeared and testified. During this hearing Claimant stated he did not have any issues with the Medical Assistance (MA) denial, only the Food Assistance Program (FAP). The Medical Assistance (MA) portion of this hearing is dismissed.

ISSUE

Did the Department of Human Services determine the proper amount of Claimant's Food Assistance Program (FAP) benefits on April 23, 2013 and May 10, 2013?

FINDINGS OF FACT

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

- (1) On March 15, 2013, Claimant submitted an application for Medical Assistance (MA) and Food Assistance Program (FAP) benefits.
- (2) On April 11, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated his Medical Assistance (MA) application was denied.
- (3) On April 23, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated he was approved for \$16.00 per month of Food Assistance Program (FAP) benefits.

- (4) On April 26, 2013, Claimant submitted a request for hearing.
- (5) On May 10, 2013, Claimant participated in a prehearing conference at the DHS local office. Claimant reported that he made a mistake on the application because he and his father do not purchase and prepare food together. Claimant was sent a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) benefits would increase to \$200.00 per month beginning June 1, 2013.
- (6) On May 23, 2013, Claimant submitted a request for hearing based on his assertion he should get the \$200.00 retroactive to the date of his application, March 15, 2013.

CONCLUSIONS OF LAW

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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

During this hearing, the March 15, 2013 online application was reviewed. Claimant does not dispute that he filled out the application to show that he and his father buy food and eat meals together. Claimant asserts he should receive \$200.00 back to the March 15, 2013 application date in spite of the fact that the only information he gave the Department prior to May 10, 2013 was that he and his father buy food and eat meals together.

Department of Human Services Bridges Administration Manual (BAM) 115 Application Processing and BAM 220 Case Actions were applied to the facts of this case. In accordance with BAM 115, Claimant's March 15, 2013 application was complete and fully processed on April 23, 2013 when he was sent notice of being eligible for \$16.00 per month. The Department made the April 23, 2013 eligibility determination based on the information provided by Claimant which they had no reason to doubt. In accordance with BAM 220, when Claimant provided different information on May 10, 2013, he was reporting a change because Claimant had previously told the Department he and his father bought food and ate together. That reported change was properly processed in accordance with BAM 220.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services determined the proper amount of Claimant's Food Assistance Program (FAP) benefits on April 23, 2013 and May 10, 2013.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 3, 2013

Date Mailed: June 4, 2013

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

GFH/aca

cc:

