

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201346431  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: June 13, 2012  
County: SSPC West

**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 June 13, 2013. Claimant appeared and testified.

**ISSUE**

Did the Department of Human Services properly deny Claimant's April 16, 2013 application for Food Assistance Program (FAP) benefits for failure to receive requested self-employment income verification?

**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 April 16, 2013, Claimant was interviewed for Food Assistance Program (FAP) eligibility. Claimant reported he had been selling off possessions and got approximately \$ [REDACTED] from that in the previous month. Claimant was determined to be eligible for expedited benefits. Claimant was sent a Verification Checklist (DHS Form 3503) requesting [REDACTED] income records. The verifications were due on April 26, 2013.
- (2) On April 26, 2013, the Department had not received self-employment records from Claimant. Claimant was sent a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) benefits would close on May 1, 2013.
- (3) On May 13, 2013, Claimant submitted a request for hearing.

**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).

In this case, the Department requested [REDACTED] income records regarding Claimant's sale of personal possessions. Claimant testified that he did not receive the [REDACTED] income forms. Review of Department of Human Services Bridges Eligibility Manual (BEM) 500 (2013) provided the resolution of this case. Page 6 of BEM 500 under General Exclusions for all types of assistance states "Asset Conversion Consider an asset converted from one type to another (example: an item sold for cash) as an asset."

Claimant's application was not processed in accordance with Department policy and the request for [REDACTED] income verification was incorrect. This first incorrect action by the Department negates all that came after it.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly deny Claimant's April 16, 2013 application for Food Assistance Program (FAP) benefits for failure to receive requested self-employment income verification.

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

It is further ORDERED that Claimant's application be reinstated and processed in accordance with Department policy.

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

Date Signed: 6/17/13

Date Mailed: 6/18/13

**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 60 days of the filing of the original request.

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

GFH/tb

cc:

