

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201348601  
Issue No.: 3002  
Case No.: [REDACTED]  
Hearing Date: June 20, 2013  
County: Macomb-12

**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 20, 2013. Claimant appeared and testified.

**ISSUE**

Did the Department of Human Services determine the proper amount of Claimant's Food Assistance Program (FAP) benefits on May 14, 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 26, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) benefits would be reduced effective May 1, 2013.
2. On April 5, 2013, Claimant submitted a request for hearing regarding the March 26, 2013 eligibility determination.
3. On May 7, 2013, a hearing about the March 26, 2013 eligibility determination was conducted by Administrative Law [REDACTED].
4. On May 13, 2013, [REDACTED] issued a Decision and Order from the hearing. [REDACTED] determined that the Department had not submitted sufficient evidence to support their March 26, 2013 eligibility determination and ordered the Department re-determine Claimant's Food Assistance Program (FAP) eligibility for the period beginning May 1, 2013.
5. On May 14, 2013, the Department re-determined Claimant's Food Assistance Program (FAP) eligibility, as ordered by Administrative Law Judge Purnell, and sent Claimant notice of the determination.

6. On May 23, 2013, Claimant submitted a request for hearing about the May 14, 2013 eligibility determination.

### **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).

The reason Claimant requested this hearing is the inclusion of a Family Independence Program (FIP) benefit amount in her Food Assistance Program (FAP) financial eligibility budget. The FIP benefit amount is in the FAP financial eligibility budget because Claimant was sanctioned for noncompliance with employment related activities at Partnership, Accountability, Training, Hope (PATH). Claimant was sent the first written notice of that Departmental action of January 23, 2013. In accordance with Department of Human Services Bridges Administration Manual (BAM) 6000 (2013), any request for a hearing about the sanction had to be submitted in writing by April 23, 2013.

Claimant's May 23, 2013 request for hearing, at issue in this hearing, does not allow jurisdiction to review the validity of the FIP sanction. The evidence presented on the May 14, 2013 Food Assistance Program (FAP) eligibility determination shows that Claimant was on an employment related noncompliance sanction. Department of Human Services Bridges Eligibility Manual (BEM) 233B (2013) page 3, Claimant's last FIP amount is to be included in her FAP financial eligibility budget during the FIP sanction.

### **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 May 14, 2013.

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

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

Date Signed: 6/24/13  
Date Mailed: 6/25/13

**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 48909-07322

GFH/las

cc:

