

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

**IN THE MATTER OF:**

████████████████████  
████████████████████  
████████████████████

Reg. No.: 2013-56248  
Issue No.: 3014  
Case No.: ██████████  
Hearing Date: August 1, 2013  
County: SSPC-EAST (98)

**ADMINISTRATIVE LAW JUDGE:** Colleen M. Mamelka

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Thursday, August 1, 2013. Claimant appeared and testified. Participating on behalf of Department of Human Services ("Department") was ██████████ and ██████████.

**ISSUE**

Whether the Department properly denied Claimant's Food Assistance Program ("FAP") application?

**FINDINGS OF FACT**

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

1. On June 24, 2013, the Department received Claimant's application for FAP benefits. (Exhibit 1)
2. At the time of application, Claimant resided in a halfway house where his meals were provided. (Exhibit 3)
3. On June 26, 2013, the Department sent a Notice of Case Action to Claimant notifying Claimant that his FAP application was denied. (Exhibit 2)
4. On July 1, 2013, the Department received Claimant's written request for hearing.

### **CONCLUSIONS OF LAW**

Department policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”) and the Reference Tables Manual (“RFT”).

The Food Assistance Program (“FAP”), formerly known as the Food Stamp 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. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3001 through Rule 400.3015.

Residents of institutions are not eligible for FAP unless the facility is authorized by the Food and Consumer Services to accept FAP benefits; the facility is an eligible group living facility; or the facility is a medical hospital and there is a plan for the person’s return home. BEM 212 (November 2012), p. 6. Temporary housing for the homeless are designed to provide meals, lodging, and special services. BEM 615 (July 2010), p. 3. Clients may use FAP benefits to purchase meals only from nonprofit facilities. BEM 615, p. 3.

In this case, Claimant applied for FAP benefits on June 24, 2013. At that time, Claimant resided in a facility that provided his meals as part of a prisoner re-entry program. The Department denied benefits on the basis that meals were provided. Subsequent to the hearing, the above policy provisions were reviewed. In doing so, there was no evidence presented that the facility Claimant resided in, which is a nonprofit corporation, was able to accept FAP benefits or that the facility was an eligible group living facility. As such, the FAP denial based solely on that fact that meals were provided without a determination of whether the facility met the criteria of BEM 212 is not upheld.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department failed to establish it acted in accordance with policy when it denied Claimant’s FAP application.

Accordingly, it is ORDERED:

1. The Department’s decision is REVERSED.
2. The Department shall reinstate and initiate processing of Claimant’s June 24, 2013 FAP application and notify Claimant of the determination in accordance with Department policy.

3. The Department shall supplement for lost benefits that Claimant was entitled to receive if otherwise and qualified in accordance with Department policy.

*Colleen M. Mamelka*

**Colleen M. Mamelka**  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: August 5, 2013

Date Mailed: August 5, 2013

**NOTICE:** Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the receipt date of this Decision and Order. MAHS 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. (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 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

CMM/tm

cc:

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[REDACTED]  
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