

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

IN THE MATTER OF:

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Reg. No.: 2013-58002
Issue No.: 3023
Case No.: ██████████
Hearing Date: August 15, 2013
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 on August 15, 2013 from Detroit, Michigan. Claimant appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████, Case Manager.

ISSUE

Did the Department properly process Claimant's Food Assistance Program (FAP) case?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of FAP benefits.
2. Claimant reported a loss of employment and income to the Department.
3. The Department failed to timely process Claimant's loss of employment and income.
4. On July 10, 2013, Claimant filed a hearing request disputing the Department's failure to process the loss of employment and requested that she receive FAP supplements in the appropriate amount for the months impacted.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services 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 (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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich. Admin Code. Rule 400.3001 through Rule 400.3015.

Additionally, Claimant requested a hearing regarding FAP supplements for the months of September 2012, November 2012, December 2012 and January 2013 that Claimant believes she is entitled to due to the Department's failure to timely process her daughter's loss of employment and income. Claimant testified that she reported to the Department on August 10, 2012 that her daughter's employment had ended and that the Department failed to have that loss of income applied to her FAP budget for those months.

At the hearing, the Department testified that it had met with Claimant in February 2013 to discuss the issue. The Department presented a handwritten chart referencing the amount of FAP benefits Claimant received for the months in question, what the correct amount should be and what amount is owed to Claimant. (Exhibit 1). The Department testified that it submitted a help desk ticket to determine how it would be able to supplement Claimant for the loss in FAP benefits and provided email exchanges in support of its testimony. (Exhibits 2 and 3). Ultimately, the Department stated that the help desk ticket was resolved and the FAP policy division of the Department determined that Claimant was not entitled to receive the FAP supplements for the months at issue because they believed she reported the loss of employment in February 2013. (Exhibit 4). This email is in direct conflict with the testimony that was provided throughout the hearing by both Claimant and the Department regarding when Claimant reported the loss of employment. Claimant presented a Verification of Employment Form that is dated August 2012 and indicates that her daughter's employment will be ending in September. (Exhibit A). The Department also confirmed that it received this document in August 2012.

Additionally, the Department failed to present any FAP budgets for the months at issue to allow the undersigned to make any determination as to whether or not Claimant received the correct amount of FAP benefits for those months or to determine if the loss of employment income was properly applied to Claimant's FAP budget. Therefore, the Department has failed to satisfy its burden in establishing that it properly calculated Claimant's FAP benefits for the months of September 2012, November 2012, December 2012 and January 2013. As such, the undersigned is unable to make a determination

as to whether or not Claimant is entitled to receive FAP supplements for the months of September 2012, November 2012, December 2012 and January 2013.

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 did not act in accordance with Department policy when it processed Claimant's FAP case. Accordingly, the Department's decision with respect to FAP is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Begin recalculating Claimant's FAP budgets for September 2012, November 2012, December 2012 and January 2013, in accordance with Department policy and consistent with this Hearing Decision;
2. Begin issuing supplements to Claimant for any FAP benefits that she was eligible to receive but did not for the months of September 2012, November 2012, December 2012 and January 2013; and
3. Notify Claimant of its decision in writing in accordance with Department policy.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 23, 2013

Date Mailed: August 23, 2013

NOTICE OF APPEAL: 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 mailing 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;

- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ZB/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]