

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20144312
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: November 13, 2013
County: Kalamazoo

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 13, 2013, from Lansing, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included ES [REDACTED].

ISSUE

Did the Department determine the proper amount of Claimant's Food Assistance Program (FAP) eligibility on September 19, 2013?

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 Food Assistance Program (FAP) benefits. Claimant had not reported a rent or mortgage expense and was receiving FAP benefits calculated without a shelter expense.
2. On March 19, 2013, Claimant submitted an online State Emergency Relief (SER) application. In the application Claimant reported a [REDACTED] housing expense.
3. On March 28, 2013, Claimant was sent a Verification Checklist (DHS Form 3503) requesting verification of her home rent for purposes of the Food Assistance Program (FAP).
4. On September 19, 2013, the Department had not received any shelter verification from Claimant. Claimant's Food Assistance Program (FAP) eligibility was updated as part of a mass update required by a change in law. Claimant was sent a Notice of Case Action (DHS-1605) which showed a change in her FAP eligibility

beginning October 1, 2013. The notice also showed that her FAP financial eligibility budget did not include a shelter expense.

5. On September 30, 2013, Claimant submitted a request for hearing and verification of her shelter expense.
6. On October 1, 2013, the verified shelter expense was added to Claimant's FAP financial eligibility budget. Claimant was sent a Notice of Case Action (DHS-1605) which stated her FAP benefits would increase beginning November 1, 2013.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

During this hearing Claimant asserted that she had reported her housing expense in March when she applied for the SER. The Department submitted 22 additional pages of evidence from Claimant's case file marked as exhibits A-I. While Claimant did report a shelter expense in March 2013, the Department was required to, and did request verification of the expense on March 28, 2013. Because verification of the reported expense was not submitted by Claimant, the shelter expense could not be included in her Food Assistance Program (FAP) financial eligibility budget.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined the amount of Claimant's Food Assistance Program (FAP) eligibility on September 19, 2013.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

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

Date Signed: 11/15/2013

Date Mailed: 11/18/2013

NOTICE OF APPEAL: 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.

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).

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

GFH/sw

cc:

