

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014486
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: October 29, 2013
County: SSPC West

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 October 29, 2013, from Lansing, Michigan. Participants on behalf of Claimant included himself. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department of Human Services determine the correct amount of Claimant's Food Assistance Program (FAP) eligibility on September 13, 2013?

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 August 15, 2013, Claimant applied for Food Assistance Program (FAP) benefits.
2. On August 23, 2013, Claimant was sent a Verification Checklist (DHS-3503) requesting verification of information necessary to determine his eligibility. The required verifications were due on September 3, 2013.
3. On August 30, 2013, the Department received information from Claimant regarding the requested verifications. The information included pay check stubs, banking information, an October 1, 2011 letter regarding rent increase, and a copy of two separate money order receipts.
4. On September 13, 2013, the Department processed Claimant's application and ran a financial eligibility budget to determine his Food Assistance Program (FAP) eligibility. The budget showed that Claimant's properly verified income and expenses made him eligible for [REDACTED] of Food Assistance Program (FAP) benefits per month. Claimant was sent a Notice of Case Action (DHS-1605).

5. On September 20, 2013, Claimant filed a hearing request.

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), and Department of Human Services 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, 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 the hearing Claimant's income and child support was verified. The information Claimant submitted regarding his shelter expense was reviewed. Department of Human Services Bridges Eligibility Manual (BEM) 554 FAP Allowable Expenses and Expense Budgeting (2013) page 14 lists a current lease as acceptable verification. The letter submitted by Claimant was dated October 1, 2011. The two money order receipts did not identify the payer. Claimant did not submit acceptable verification of his rent expense. Proper verification of rent expense is not an eligibility factor. Proper verification of rent expense is a requirement to have the expense included in the FAP financial eligibility budget. In this case Claimant was approved for FAP benefits and the amount of his benefit was determined without rent expense. Claimant was informed that if/when he provides proper verification of his rent expense; it will be added to his financial eligibility budget. A more detailed analysis of the evidence presented, applicable Department policies, and reasoning for the decision are contained in the recorded record.

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 and determined the correct amount of Claimant's Food Assistance Program (FAP) eligibility on September 13, 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: 11/05/2013

Date Mailed: 11/06/2013

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:

