

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20147314
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: November 21, 2013
County: Berrien

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 21, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined Food Assistance Program (FAP) for October of 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. The Claimant is an ongoing Food Assistance Program (FAP) recipient.
2. The Claimant reported a change of shelter expenses.
3. On September 14, 2013, the Department notified the Claimant that her Food Assistance Program (FAP) allotment would be reduced to [REDACTED] as of October 1, 2013.
4. On September 30, 2103, the Department notified the Claimant that her monthly allotment for October of 2013 had been increased to \$170.

5. The Department received the Claimant's request for a hearing on October 15, 2013, protesting the amount of her Food Assistance Program (FAP) benefits.

CONCLUSIONS OF LAW

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.

Verify shelter expenses at application and when a change is reported. If the client fails to verify a reported change in shelter, remove the old expense until the new expense is verified. Department of Human Services Bridges Eligibility Manual (BEM) 554 (July 1, 2013), p 14.

The Claimant is an ongoing Food Assistance Program (FAP) recipient. The Claimant reported a change of shelter expenses, but no evidence was provided during the hearing showing that the new shelter expenses was verified to the Department. On September 14, 2013, the Department notified the Claimant that her Food Assistance Program (FAP) allotment for October 1, 2013, would decrease to [REDACTED] per month.

This Administrative Law Judge finds that it would have been a proper application of policy to remove monthly shelter expenses from the Claimant's FAP budget if that expenses had not been verified.

However, in this case, the Department applied the new shelter expenses to the Claimant's FAP budget and on September 30, 2013, the Department notified the Claimant that her FAP benefits would increase to [REDACTED] as of October 1, 2103.

The Claimant testified that she understood how the Department determined her eligibility as of October 1, 2013, but argued that the Department decreased her benefits as of November 1, 2013.

Any changes to November benefits are not relevant to this hearing request, and must be address by an additional hearing request. The Claimant has 90 days from the date that the Department her notice of the change to her November befits to submit a timely request for a hearing on that issue.

The Department's determination of the Claimant's eligibility for Food Assistance Program (FAP) benefits as of October 1, 2013, is therefore upheld.

DECISION AND ORDER

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 Claimant's Food Assistance Program (FAP) eligibility as of October 1, 2013.

Accordingly, the Department's decision is AFFIRMED.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 11/22/2013

Date Mailed: 11/22/2013

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.

20147314/KS

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

KS/sw

cc:

