

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

**IN THE MATTER OF:**

[REDACTED]

Reg No.: 2013-14708  
Issue No.: 3002  
Case No.: [REDACTED]  
Hearing Date: February 4, 2013  
Wayne County DHS (15)

**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 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Monday, February 4, 2013. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

**ISSUE**

Whether the Department properly supplemented food assistance ("FAP") benefits pursuant to a Decision and Order mailed on November 5, 2012?

**FINDINGS OF FACT**

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

1. On October 31, 2012, a hearing was held regarding the termination of FAP benefits.
2. On November 5, 2012, a Hearing Decision was mailed ordering the Department to reinstate FAP benefits effective August 2012 and supplement for lost benefits.
3. The Department supplemented the Claimant \$582.00 for both August and September; \$444.00 in October; and \$263.00 in November.

4. On November 30, 2012, the Claimant requested a hearing regarding the FAP supplement.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Reference Tables ("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 ("CFR"). 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 R 400.3015.

In this case, the Department supplemented the Claimant for FAP benefits as a result a Hearing Decision that was mailed on November 5, 2012. The Claimant does not dispute the August or September supplement. For those months, the Department used the income figure of \$913.00 which resulted in a \$582.00 FAP allotment. In October, the income used was \$712.00. Instead of the FAP allotment increasing as a result of the decreased income, the FAP allotment was reduced to \$444.00. The following month, the Department used income of \$1,115.00 which resulted in a FAP allotment of \$263.00. The Claimant testified that the monthly income was \$913.00. When the two monthly income figures for October and November are added together and then divided by the 2 months, it equals \$913.00. Regardless, the fact that the Claimant's FAP benefits decreased in October when less income was reportedly budgeted can not be correct. In light of the foregoing, it is found that the FAP supplement for October and November 2012 is not correct. Accordingly, the Department's actions are not 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, finds the Department's FAP supplement for October and November was not correct.

THE DEPARTMENT SHALL INITIATE WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER, THE FOLLOWING:

1. The Department shall initiate the calculation of the Claimant's FAP benefits for the months of October and November 2012 and notify the Claimant of the determination in accordance with Department policy.

2. The Department shall supplement for lost FAP benefits that the Claimant was entitled to receive for the months of October and November 2012, if otherwise eligible 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: February 12, 2013

Date Mailed: February 12, 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 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 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:

