

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

IN THE MATTER OF:



Reg. No.: 201341967
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: May 16, 2013
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 held on May 16, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's friend. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly issue Claimant's supplement for Food Assistance Program (FAP) benefits for September 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. Claimant was an ongoing recipient of FAP benefits.
2. Following a hearing held on October 3, 2012, a Hearing Decision was issued requiring the Department to reinstate Claimant's FAP case effective August 1, 2012, reprocess Claimant's redetermination and issue supplements to Claimant for FAP benefits she was eligible to receive but did not from August 1, 2012, ongoing.
3. Following a hearing held on January 10, 2013, a Hearing Decision was issued requiring the Department to issue \$112 in FAP benefits to Claimant for September 2012.

4. On December 19, 2012, the Department issued a \$104 FAP supplement to Claimant.
5. On April 15, 2013, Claimant filed a request for hearing, contending that the Department had failed to issue the \$112 FAP supplement.

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 (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, R 400.3001 through R 400.3015.

Additionally, Claimant contended at the hearing that the administrative law judge in a prior hearing concluded that she was eligible for \$311 for FAP benefits for September 2012. Claimant is incorrect. In the Hearing Decision issued in connection with a January 10, 2013 hearing, the administrative law judge found that Claimant was entitled to \$248 in total FAP benefits for September 2012. The judge further found that Claimant received only \$136 in FAP benefits for that month and ordered the Department to issue \$112 in FAP supplements to Claimant for her September 2012 FAP benefits, making her total FAP allotment for September 2012 \$248.

At the hearing, the Department testified that Claimant received a \$104 FAP supplement on December 19, 2012. The eligibility summary and a benefits summary inquiry presented by the Department each established that Claimant was paid a total of \$240 for September 2012. Because the January 10, 2013 Hearing Decision found that Claimant was eligible for only \$248 and had received only \$136 for September 2012, it is apparent that the administrative law judge was not made aware of the December 19, 2012 \$104 FAP supplement when he ordered the Department to pay Claimant a \$112 FAP supplement. However, because the Department only issued Claimant a \$104 supplement and the Hearing Decision ordered a supplement of \$112, the Department continues to owe Claimant \$8. Thus, the Department did not comply with the Hearing Decision.

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 the prior Hearing Decision when it issued a FAP supplement of \$104 for September 2012 when it was ordered to issue a FAP supplement of \$112 for September 2012.

Accordingly, the Department's decision 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 issuing a FAP supplement to Claimant for \$8 for the amount remaining for her September 2012 FAP allotment.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/24/2013

Date Mailed: 5/24/2013

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

ACE/hw

cc:

