

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-43423  
Issue No.: 3002  
Case No.: [REDACTED]  
Hearing Date: June 4, 2013  
County: Wayne-17 County DHS

**ADMINISTRATIVE LAW JUDGE:** Corey A. Arendt

**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 June 4, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED]. Interpreting the hearing was [REDACTED] [REDACTED] (Arabic).

**ISSUE**

Did the Department properly determine the Claimant's eligibility for Food Assistance Program (FAP) benefits in compliance with a March 12, 2013 decision and order?

**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 March 12, 2013, Administrative Law Judge [REDACTED] [REDACTED] ordered the Department to redetermine the Claimant's eligibility for FAP benefits beginning January 2013.
2. Between March 12, 2013 and April 24, 2013, the Department redetermined the Claimant's eligibility for FAP benefits and issued the Claimant a FAP supplement.
3. On April 24, 2013, the Claimant requested a hearing in dispute of the FAP allotment determined for January 2013 and February 2013.

**CONCLUSIONS OF LAW**

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The FAP [formerly known as the Food Stamp (F S) 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 1999 AC, R 400.3001 through Rule 400.3015.

The Claimant alleged he was eligible for additional FAP benefits above the amounts the Department awarded him for January and February of 2013. Based upon the numbers provided by the Department, it appears the Claimant's FAP allotment varied significantly between January 2013 and May 2013. The Department did not provide any testimony or exhibits to show how they calculated the Claimant's FAP allotment and could not explain the drastic swings in the eligibility amounts outside of a statement that the Claimant's income was reduced at some point.

Because the Department could not explain the calculations taken in determining the Claimant's eligibility, I was unable to determine whether the Department's actions were appropriate. Therefore, I am reversing the Department in this matter and ordering the Department to redetermine the Claimant's eligibility for FAP benefits beginning January 1, 2013 and issue retroactive benefits if otherwise eligible and qualified.

### **DECISION AND ORDER**

I find, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, that the Department did not act properly.

Accordingly, the Department's FAP and MA determinations are **REVERSED** for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a redetermination as to the Claimant's eligibility for FAP benefits beginning January 1, 2013 and issue retroactive benefits if the Claimant is otherwise qualified and eligible.



Corey A. Arendt  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: June 5, 2013

Date Mailed: June 5, 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

CAA/las

cc:

