

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 14-003749
Issue No.: 3001
Case No.: ██████████
Hearing Date: July 3, 2014
County: PATHWAYS TO POTENTIAL

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 July 3, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Success Coach.

ISSUE

Did the Department properly notify Claimant as to the amount her Food Assistance Program (FAP) benefits would be reduced?

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 May 1, 2014, Claimant signed an Intentional Program Violation Repay Agreement, agreeing to repay \$6,409.00.
2. On the same day, Claimant also signed a Disqualification Consent Agreement which disqualified her from the FAP program for one year.
3. On June 3, 2014, the Department sent Claimant an Intentional Program Violation Client Notice notifying her that she had been disqualified from the FAP program from July 1, 2014 through June 30, 2014.
4. The Intentional Program Violation Client Notice did not advise Claimant as to how much her benefits would be reduced as a result of the disqualification.

5. On June 12, 2014, Claimant filed a Request for Hearing disputing the Department's actions.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

In this case, Claimant signed an Intentional Program Violation Repay Agreement on May 1, 2014 in which she agreed to repay \$6,409.00 at a rate of \$50.00 per month beginning June 1, 2014. Claimant also signed a Disqualification Consent Agreement in which she agreed to be disqualified from receiving FAP benefits for one year. As a result, on June 3, 2014, the Department sent Claimant an Intentional Program Violation Client Notice notifying her that she had been disqualified from receiving FAP benefits from July 1, 2014 through June 30, 2015.

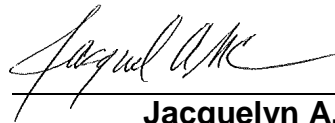
Department policy allows hearing requests following the receipt of an Intentional Program Violation Client Notice only when a client is challenging the overissuance benefit reduction or repayment amount. BAM 720 (May 1, 2014), pp. 18-19. Claimant stated that she requested a hearing because she did not know the amount of FAP benefits she would receive as of July 1, 2014. A review of the Intentional Program Violation Client Notice revealed that the Department failed to inform Claimant as to how much her benefits would be reduced as a result of her disqualification from the FAP program. The Department agreed that the Intentional Program Violation Client Notice was deficient as it should have reflected the amount of benefits Claimant was due to receive effective July 1, 2014.

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 did not act in accordance with policy when it failed to inform Claimant as to the amount of benefits she would receive effective July 1, 2014.

DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.

1. Redetermine Claimant's eligibility for FAP benefits effective July 1, 2014;
2. Issue supplements, if any, that Claimant was entitled to receive effective July 1, 2014 but did not; and
3. Notify Claimant in writing of its decision.



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **7/11/2014**

Date Mailed: **7/11/2014**

JAM/cl

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

