

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

IN THE MATTER OF:



Reg. No.: 14-004983
Issue No.: 3001
Case No.: [REDACTED]
Hearing Date: July 23, 2014
County: WAYNE-DISTRICT 17

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 three way telephone hearing was held on July 23, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly process Claimant's Food Assistance Program (FAP) benefits?

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. Claimant's FAP benefits were decreased from \$189 monthly to \$42 monthly, effective July 1, 2014. (Exhibit 1)
3. On June 16, 2014, Claimant submitted a hearing request 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.

At the hearing, the Department testified that in connection with a redetermination, Claimant's eligibility to receive FAP benefits was reviewed. The Department presented an eligibility summary showing that effective July 1, 2014, Claimant's FAP benefits were decreased from \$189 monthly to \$42 monthly. (Exhibit 1). Claimant indicated at the hearing that she disputed the Department's calculation of her FAP benefits in the amount of \$42 as well as being added on as a FAP group member to her mother's FAP case.

The Department testified that Claimant's FAP benefits likely decreased because she was added on to her mother's case; however, the eligibility summary presented reflects only a group size of one, which remained unexplained by the Department. The Department did not present any documentation to support its testimony that Claimant was in fact added to her mother's case. Further, the Department failed to present any testimony or any FAP budgets to allow the undersigned to make a determination as to whether or not Claimant is receiving the correct amount of FAP benefits or to determine if her FAP budget was properly calculated.

Additionally, Claimant stated that she was informed by her case worker that the Department would not accept her current PO Box as a valid mailing address. Claimant testified that she was moving around from place to place and that because she did not have stable housing, she gave the Department her mother's address to use for mailing purposes since the Department would not accept her PO Box mailing address. Claimant asserted that she was not living with her mother and that she does not have any income, so her FAP benefits should not have decreased.

At the hearing, the Department contended that per policy, it could not accept a PO Box as a valid mailing address; however, this assertion is not accurate nor is it supported by Department policy. In this case, because Claimant lacks a fixed and regular nighttime dwelling and because Claimant stated that she temporarily stays from place to place, she is considered homeless for FAP residency purposes. BEM 220 (July 2014), pp.2-3. Because Claimant can only be considered homeless for the first 90 days, the Department is to use the local office address or another location agreeable to the

individual as the mailing address. BEM 220, p. 3. Therefore, the Department did not act in accordance with Department policy when it determined that because Claimant provided a PO Box for mailing purposes, she had to be added to her mother's FAP case, thereby decreasing her FAP benefits.

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 Department policy when it calculated Claimant's FAP benefits for July 1, 2014, ongoing and added Claimant to her mother's FAP case.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. To the extent that she was added on to her mother's case, the Department is to remove Claimant as a group member from her mother's FAP case;
2. Recalculate Claimant's FAP budget for July 1, 2014, ongoing;
3. Issue supplements to Claimant for any FAP benefits that she was entitled to receive but did not from July 1, 2014, ongoing; and
4. Notify Claimant in writing of its decision



Zainab Baydoun

Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **7/29/2014**

Date Mailed: **7/30/2014**

ZB / tlf

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

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

cc:

