

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

IN THE MATTER OF:



Reg. No.: 14-005587
Issue No.: 3001
Case No.: [REDACTED]
Hearing Date: July 31, 2014
County: Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Gary F Heisler

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 31, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included AP [REDACTED] and FIM [REDACTED].

ISSUE

Did the Department properly remove Claimant from her Food Assistance Program benefit group beginning July 1, 2014?

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 Food Assistance Program benefits. Claimant's benefit group consisted of two persons.
2. On June 6, 2014, BRIDGES was updated to include Claimant's student status as reported by her on April 4, 2014. A Notice of Case Action (DHS-1605) was sent to Claimant stating her Food Assistance Program benefits would decrease beginning July 1, 2014.
3. On June 17, 2014, Claimant submitted a hearing request.

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 asserts she is a full time student but cannot meet the Bridges Eligibility Manual (BEM) 245 FAP eligibility requirement of working 20 hours per week. Claimant asserts she is disabled. Claimant testified that she applied for Medical Assistance based on disability and State Disability Assistance Program but was denied. Claimant also testified that she is waiting on an answer from the federal government about her Supplemental Security Income (SSI) application.

Claimant testified that she understands the previous medical documentation is not sufficient because it was not signed by a Doctor. Claimant brought some additional medical documentation to the hearing which was described as being signed by a Doctor and covering the relevant time period at issue in this hearing. The Department was told to fax over the documentation following the hearing. To date no such evidence has been received into this record.

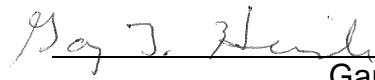
Based on the testimony of Claimant and the Department representatives, the sufficiency of the additional medical documentation is established. The issue in this hearing is whether the Department's June 6, 2014 eligibility determination was correct. It is undisputed that on June 6, 2014, the Department did not have adequate verification that Claimant was unable to meet the Bridges Eligibility Manual (BEM) 245 FAP eligibility requirement of working 20 hours per week.

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 acted in accordance with Department policy on June 6, 2014, when it removed Claimant from her Food Assistance Program benefit group beginning July 1, 2014.

DECISION AND ORDER

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

It is further noted that the medical documentation Claimant provided on the date of this hearing may be used to re-determine her Food Assistance Program eligibility from that point forward.



Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **8/13/2014**

Date Mailed: **8/13/2014**

GFH/hj

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: 

