

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

IN THE MATTER OF:

██████████
██████████
████████████████████

Reg. No.: 14-009524
Issue No.: 3001
Case No.: ██████████
Hearing Date: September 11, 2014
County: MACOMB (36)

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 September 11, 2014, from Detroit Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Hearing Facilitator, and ██████████, Eligibility Specialist.

ISSUE

Did the Department properly calculate Claimant's monthly Food Assistance Program (FAP) benefit amount?

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 is an ongoing FAP recipient.
2. On June 2, 2014, the Department sent Claimant a Semi Annual Contact Report which was required to be completed and returned by July 1, 2014.
3. Claimant returned the Semi Annual Contact Report on July 1, 2014 along with some self-employment invoices and expenses.
4. On July 2, 2014, Claimant sent additional invoices and expenses.
5. On July 30, 2014, the Department sent Claimant a Notice of Case Action notifying him that he had been approved for FAP benefits in the amount of \$317.00 per month effective August 1, 2014.

6. On August 11, 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.

Additionally, Department policy holds that the amount of self-employment income before any deductions is called total proceeds. Countable income from self-employment equals the total proceeds **minus** allowable expenses of producing the income. BEM 502 (July 2014), p. 3. On June 2, 2014, the Department sent Claimant a Semi Annual Contact Report to be returned by July 1, 2014. The Department testified that it used invoices and expenses submitted by Claimant in determining that Claimant was eligible for a FAP monthly benefit amount of \$317.00 effective August 1, 2014. Prior to August 1, 2014, Claimant had been receiving \$650.00 per month.

Claimant testified that he submitted documents by email on July 1, 2014 and July 2, 2014. Although Claimant did not print the attachments which accompanied the emails, the emails clearly show that there were approximately 26 attachments. The Department submitted 11 attachments in the hearing packet and confirmed that only the documents contained in the hearing packet were considered when determining Claimant's eligibility for FAP benefits. The Department agreed that it should have used all submitted documents when determining eligibility. The Department opined that the remaining documents may have been lost during the scanning process.

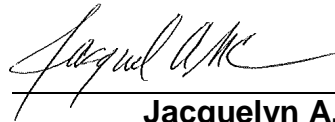
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with policy when it determined Claimant's eligibility for FAP benefits effective August 1, 2014

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. Redetermine Claimant's eligibility for FAP benefits effective August 1, 2014, ongoing;
2. Issue supplements to Claimant effective August 1, 2014; and
3. Notify Claimant in writing by Notice of Case Action notifying him of his monthly FAP benefits amount effective August 1, 2014, ongoing.



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

Date Signed: **9/18/2014**

Date Mailed: **9/18/2014**

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;

