

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

IN THE MATTER OF:



Reg. No.: 14-008885
Issue No.: 3008, 4001
Case No.: [REDACTED]
Hearing Date: September 09, 2014
County: Iosco County DHS

ADMINISTRATIVE LAW JUDGE: Gary 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 September 09, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included AP Supervisor [REDACTED]

ISSUE

Did the Department determine the proper amount of Claimant's Food Assistance Program eligibility on July 11, 2014?

Did the Department properly deny Claimant's June 10, 2014, State Disability Assistance Program application?

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 June 10, 2014, Claimant submitted an application for Food Assistance Program and State Disability Assistance Program benefits.
2. On June 23, 2014, the Department ran financial eligibility budgets to determine Claimant's benefit eligibility. Claimant was sent a Notice of Case Action (DHS-1605) which stated her State Disability Assistance Program application was denied due to excess income and that she was eligible for \$ [REDACTED] per month of Food Assistance Program benefits.
3. On July 11, 2014, the Department corrected Claimant's Food Assistance Program financial eligibility budget to reflect only the non-heat electric utility standard. Claimant was sent a Notice of Case Action (DHS-1605) which stated she was

eligible for \$ [REDACTED] per month of Food Assistance Program benefits beginning August 1, 2014.

4. On July 22, 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.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

During this hearing Claimant's income and allowed expenses were verified. The State Disability Assistance Program financial eligibility budget was reviewed and found to be correct. The Food Assistance Program financial eligibility budget was reviewed and found to be correct in the utility expense allowed but had a \$2 error in Claimant's rent expense. Addition review following the hearing indicated that the budgeting error in rent expense should make a difference in Claimant's Food Assistance Program eligibility.

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 when it denied Claimant's June 10, 2014, State Disability Assistance Program application.

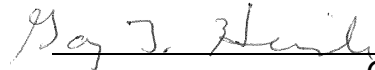
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it determined Claimant's Food Assistance Program eligibility on July 11, 2014.

DECISION AND ORDER

Accordingly, the Department's decision AFFIRMED IN PART with respect to the State Disability Assistance Program application denial and REVERSED IN PART with respect to the July 11, 2014 Food Assistance Program eligibility determination.

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. Make any necessary corrections to Claimant's Food Assistance Program financial eligibility budget and re-determine her Food Assistance Program eligibility beginning August 1, 2014.
2. Issue Claimant a current Notice of Case Action (DHS-1605) showing the re-determined Food Assistance Program eligibility and supplement her any benefits she was otherwise eligible for but did not receive.



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

Date Signed: **9/16/2014**

Date Mailed: **9/16/2014**

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:

