

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

IN THE MATTER OF:

██████████
██
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Reg. No.: 14-011251
Issue No.: 3008
Case No.: ██████████
Hearing Date: November 5, 2014
County: WAYNE (35)

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 three way telephone hearing was held on November 5, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Hearing Facilitator.

ISSUE

Did the Department properly determine Claimant's eligibility for 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. On July 15, 2014, Claimant reported that her housing costs had changed.
2. On July 16, 2014, the Department sent Claimant a Verification Checklist (VCL) requesting proof of rent expense and heat expense with a due date of July 28, 2014.
3. On July 24, 2014, Claimant faxed over the first page of her lease which showed that the family paid a prorated rent expense in the amount of \$366.52.
4. On July 25, 2014, Claimant's assigned worker called to inform her that the entire lease was not received.

5. On July 30, 2014 the Department sent Claimant a Notice of Case Action notifying her that she had been approved for FAP benefits in the amount of \$311.00 per month.
6. On August 15, 2014, Claimant provided an acceptable lease to the Department. On August 21, 2014, the Department sent Claimant a Notice of Case action notifying her that her FAP benefits had increased to \$455.00 per month.
7. On September 2, 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 clients must report changes in circumstance that potentially affect eligibility or benefit amount. Changes must be reported within 10 days of receiving the first payment reflecting the change. BAM 105 (April 2014), p. 9. On July 15, 2014, Claimant reported that her housing costs had changed. However, Claimant did not provide any proof of the change. As a result, on July 16, 2014, the Department sent Claimant a VCL requesting proof of rent expense and heat expense with a due date of July 28, 2014. On July 24, 2014, Claimant faxed over the first page of her lease which showed that the family paid a prorated rent expense in the amount of \$366.52. On July 25, 2014, Claimant's assigned worker called to inform her that the entire lease was not received. The Department testified that no further rent expense information was received prior to the due date of July 28, 2014. On July 30, 2014, the Department sent Claimant a Notice of Case Action notifying her that she had been approved for FAP benefits in the amount of \$311.00 per month.

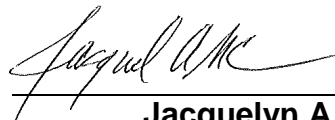
The Department testified that Claimant provided an acceptable lease on August 15, 2014. Claimant stated that she sent a complete lease the same day her worker notified her that the complete lease had not been received. Claimant had no evidence that she provided a complete lease and the Department Agent testified that it did not receive the complete lease until August 15, 2014. It should be noted that during the hearing, the undersigned mistakenly referred to the acceptable lease as being received on August

25, 2014 instead of August 15, 2014 which is the date contained in the Hearing Summary read into the record. Following the receipt of the acceptable lease, the Department sent Claimant a Notice of Case action notifying her that her FAP benefits had increased to \$455.00 per month. Accordingly, it is found that the Department established that it properly increased Claimant's FAP benefits upon receipt of the information necessary to determine 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 policy when it approved Claimant for FAP benefits in the amount of \$311 per month beginning August 1, 2014 and then increased Claimant's FAP benefits to \$455.00 per month beginning September 1, 2014.

DECISION AND ORDER

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



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

Date Signed: **11/6/2014**

Date Mailed: **11/6/2014**

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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:

[REDACTED]
[REDACTED]
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