

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-014427
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: December 09, 2014
County: KALAMAZOO

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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, an in-person hearing was held on December 2014, from Kalamazoo, Michigan. Participants on behalf of the Claimant included [REDACTED], her husband and Authorized Hearing Representative (AHR), [REDACTED], and the Claimant's sister-in-law, [REDACTED]. The Claimant's sister-in-law, [REDACTED], was instructed to leave before the conclusion of the hearing. She failed to follow instructions to remain silent while other people were talking, she was disrupting the record and her testimony was not relevant so she was instructed to leave the hearing room and wait in the lobby. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator, [REDACTED].

ISSUE

Did the Department properly take action to reduce the 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. The Claimant is the recipient of monthly FAP benefits in the amount of \$ [REDACTED]
2. The Claimant has her medical bills submitted to the Department by her caseworker at Pathways (a nonprofit organization) for her Medical Assistance deductible. When submitted, the Claimant's Departmental caseworker applies the Claimant's medical expenses to her FAP budget.

3. The Claimant's caseworker at Pathways submitted the Claimant's medical expenses on August 26, 2014. The Department worker did not process the expenses until September 4, 2014, and therefore no increase in benefits was reflected for the month of September 2014.
4. On October 15, 2014, the Department received the Claimant's hearing request protesting that her monthly allotment for September 2014 had not been increased beyond \$15.

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, Bridges Administrative Manual (BAM) 220 (2014) p. 6, provides that the Department worker is to act on a change reported by means other than a match within 10 days of becoming aware change. Changes which results in an increase in the household's benefits must be effective no later than the first allotment issued 10 days after the change the date was reported provided any necessary verification is returned by the duty. Therefore, the change in the Claimant's FAP allotment should have been reflected in the first allotment issued 10 days after the change. The change was reported on August 26, 2014 and was not processed until September 4, 2014, after the Claimant issued benefits for the month of September. Therefore, the expenses should be reflected in FAP budget in the very next allotment. During the hearing, the Department testified that the Claimant's expenses had not yet been accounted for in any FAP budget.

Therefore, while the Administrative Law Judge determines that the Department was acting in accordance with its policy when determining the Claimant's monthly at FAP allotment, it does not appear that the Department was acting in accordance with its policy when not applying Claimant's medical expenses to the FAP budget for the very next allotment. However, as that action occurred subsequent to the Claimant's hearing request this Administrative Law Judge has no jurisdiction to address that issue.

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 determined the Claimant's monthly FAP allotment for September 2014.

DECISION AND ORDER

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

Susanne E. Harris

Susanne E. Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/11/2014**

Date Mailed: **12/11/2014**

SEH/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 48909-8139

cc:

