

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-000746
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: May 7, 2014
County: Montcalm 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 May 7, 2014, from Lansing, Michigan. Participants on behalf of Claimant included himself. Participants on behalf of the Department of Human Services (Department) included Lead [REDACTED].

ISSUE

On March 25, 2014, did the Department properly determine Claimant's Food Assistance Program eligibility for the months of July 2013 through February 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. On March 25, 2014, the Department complied with a hearing order and re-determined Claimant's Food Assistance Program eligibility for the months of July 2013 through February 2014. Claimant was issued supplements for 5 of those months.
2. On March 26, 2014, Claimant was sent a Benefit Notice (DHS-176) describing the specific changes and supplements.
3. On April 8, 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 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

In this case Claimant asserts that he is eligible for more Food Assistance Program benefits in each of the months than was provided by the Department's determination of his eligibility. Evidence submitted by the Department does not contain any Food Assistance Program financial eligibility budgets.

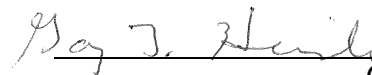
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined Claimant's Food Assistance Program eligibility for July 2013 through February 2014, on March 25, 2014.

DECISION AND ORDER

Accordingly, the Department's decision **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. Recalculate Claimant's Food Assistance Program eligibility for July 2013 through February 2014 in accordance with Department policy.
2. Issue Claimant any supplements for Food Assistance Program benefits that he was otherwise eligible for but has not received.
3. Issue Claimant a new notice of the recalculated Food Assistance Program eligibility for July 2013 through February 2014.



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

Date Signed: **5/15/2014**

Date Mailed: **5/15/2014**

GFH / hj

cc:

