

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-000895
Issue No.: 3002, 3008
Case No.: [REDACTED]
Hearing Date: May 13, 2014
County: Oakland County DHS #3

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 13, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant's spouse [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator Gilman.

ISSUE

Did the Department properly deny Claimant's January 15, 2014 Food Assistance Program application?

Did the Department determine the proper amount of Claimant's Food Assistance Program benefits on March 17, 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 January 15, 2014, Claimant submitted a Food Assistance Program application. Claimant was sent a Verification Checklist (DHS-3503). The required verifications were due on January 27, 2014.
2. On January 31, 2014, Claimant was sent a Notice of Case Action (DHS-1605) which stated the January 15, 2014 application was denied for failure to provide required verifications.
3. On February 18, 2014, Claimant submitted another Food Assistance Program application.

4. On March 17, 2014, Claimant was sent a Notice of Case Action (DHS-1605) which stated Claimant was approved for \$195 of Food Assistance Program benefits for the period on February 18-28, 2014 and \$4 per month beginning March 1, 2014.
5. On April 2, 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.

Regarding the January 15, 2014 application, Katherine testified that she submitted the application on line and uploaded several of the required verifications with the application. The record does contain a paycheck stub from each of Claimant and Katherine date stamped January 15, 2014 which must have been uploaded with the application. Katherine went on to testify that she thinks she submitted the other verifications on Monday January 20, 2014. The sequence of events in Katherine's recollection makes sense. However, the accuracy of the specific dates is questionable because while January 20, 2014 was a Monday, it was a holiday and the local DHS office would have been closed. The evidence in this record does not convince this Administrative Law Judge that all the required verifications were submitted to the Department before the January 27, 2014 due date.

There are numerous questions regarding the amounts of the Food Assistance Program eligibility determination made on March 17, 2014. Evidence in the record provides a basis to verify the earned income in the Food Assistance Program financial eligibility budget for March 1, 2014. However there is no evidence which explains the eligibility amount determined for the partial month of February. Additionally, the gross income and net income in the March 1, 2014 financial eligibility budget both exceed the limits shown in RFT 250.

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 January 15, 2014 Food Assistance Program application.

GFH

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 the amount of Claimant's Food Assistance Program benefits on March 17, 2014.

DECISION AND ORDER

Accordingly, the Department's decision AFFIRMED IN PART with respect to January 15, 2014 application and REVERSED IN PART with respect to March 17, 2014 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. Re-determine Claimant's Food Assistance Program eligibility for the February 18, 2014 application in accordance with Department policy.
2. Issue Claimant a new Notice of Case Action (DHS-1605) of the re-determined eligibility.

Gary J. Heisler

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

Date Signed: **5/14/2014**

Date Mailed: **5/14/2014**

____ / ____

Cc:



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