

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

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**IN THE MATTER OF:**



Reg. No.: 14-003436  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: June 26, 2014  
County: Genesee-District 2

**ADMINISTRATIVE LAW JUDGE:** C. Adam Purnell

**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 June 26, 2014 from Lansing, Michigan. Claimant personally appeared and provided testimony. Participants on behalf of the Department of Human Services (Department) included [REDACTED] (Hearing Facilitator).

**ISSUE**

Did the Department properly determine claimant's Food Assistance Program (FAP) monthly allotment amount?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was active for FAP with a monthly allotment of \$ [REDACTED]
2. On or about April 3, 2014, Claimant provided the Department with her completed Redetermination (DHS-1010) and presented to the local office for an interview.
3. The Department lost or misplaced Claimant's documentation and failed to properly process Claimant's Redetermination (DHS-1010).
4. On May 19, 2014, the Department mailed Claimant a Notice of Case Action (DHS-1605) which reduced Claimant's monthly FAP to \$ [REDACTED] effective May 1, 2014.
5. The Department acknowledged that Claimant's monthly FAP was not properly calculated and attempted to correct the error.

6. On May 23, 2014, the Department mailed Claimant a Notice of Case Action (DHS-1605) which increased Claimant's monthly FAP to \$ [REDACTED] effective June 1, 2014.
7. On May 27, 2014, Claimant requested a hearing seeking supplemental FAP benefits for May, 2014.

### 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 Department of Human Services must periodically redetermine an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. BAM 210, p 1 (10-1-2013). Redetermination is defined as "the periodic, thorough re-evaluation of all eligibility factors to determine if the group continues to be eligible for program benefits." Bridges Program Glossary, p 54. For all programs, a complete redetermination is required at least every 12 months. BAM 210, p 1.

For FAP, benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is certified. If the client does not begin the redetermination process, the Department will allow the benefit period to expire. BAM 210, p 2.

For all programs, a redetermination/review packet is considered complete when all of the sections of the redetermination form including the signature section are completed. BAM 210, p 10. When a complete packet is received, policy requires the Department record the receipt in Bridges as soon as administratively possible. BAM 210, p 10. If the redetermination is submitted through MI Bridges, the receipt of the packet will be automatically recorded. BAM 210, p 10.

For FAP only, the FAP redetermination must be completed by the end of the current benefit period so that the client can receive uninterrupted benefits by the normal issuance date. If timely redetermination procedures are met, but too late to meet the normal issuance date, the department worker must issue benefits within five workdays. BAM 210, p 15. Bridges will issue a payment for lost benefits if the client is **not** at fault for delayed processing that prevented participation in the first month. BAM 210, p 15.

Here, the parties do not disagree about the material facts. The Department representative who testified at the hearing indicated that the Department worker failed to properly process Claimant's redetermination and then failed to properly calculate Claimant's income. These failures, according to the Department representative, resulted in the improper reduction of Claimant's monthly FAP from \$ [REDACTED] to \$ [REDACTED] effective May 1, 2014. The Department, effective June 1, 2014, increased Claimant's monthly FAP to \$ [REDACTED] but the Department claims that it has experienced difficulty obtaining Claimant's supplemental FAP benefits for May. The Department representative indicated that it has contacted site support to request a supplement for Claimant's FAP benefits for the month of May, 2014. Claimant indicated that she understood and accepted the Department representative's assertions.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). The weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. 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 failed to process Claimant's redetermination and then improperly calculated Claimant's FAP benefits for May, 2014. The Department has agreed to provide Claimant with supplemental FAP benefits for May.

### **DECISION AND ORDER**

Accordingly, the Department's decision is **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. The Department shall redetermine Claimant's proper monthly FAP allotment amount back to May 1, 2014.
2. To the extent Claimant is entitled to a supplement, the Department shall provide Claimant with supplemental FAP benefits for the month of May, 2014 as indicated by the Department representative during the hearing in this matter.

3. If necessary, the Department shall request an expedited remedy ticket to execute Claimant's supplemental FAP for May, 2014.

IT IS SO ORDERED.



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**C. Adam Purnell**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: **6/27/2014**

Date Mailed: **6/27/2014**

CAP/sw

**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:

