

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

IN THE MATTER OF:

██████████
██████████████████
██████████

Reg. No.: 14-004494
Issue No.: 3001
Case No.: ██████████
Hearing Date: July 14, 2014
County: WAYNE (41)

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 telephone hearing was held on July 14, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and ██████████, Claimant's cousin. Participants on behalf of the Department of Human Services (Department) included ██████████, Hearing Facilitator.

ISSUE

Did the Department properly calculate 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. Claimant is an ongoing recipient of FAP benefits.
2. Claimant notified the Department that he had become employed.
3. On May 12, 2014, the Department sent Claimant a Verification Checklist requesting that he return income information for the preceding 30 days by May 22, 2014.
4. On May 27, 2014, Claimant submitted one pay stub to the Department.
5. On June 4, 2014, the Department sent Claimant a Notice of Case Action notifying him that his FAP case would close effective July 15, 2014.

6. On June 9, 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.

Claimant reported to the Department that he began working. As a result on May 12, 2014, the Department sent Claimant a VCL with the requested information due on May 22, 2014. Claimant acknowledged that he received the VCL which asked for paystubs for the past 30 days. Claimant testified that he works through a temporary service and does not consistently receive assignments. Claimant indicated that he turned in the paystubs he received for the past 30 days; however, he only received one pay stub. Nothing on the VCL instructed Claimant as to what he should do if he only worked one week during a 30 day period.

The Department included in its proofs, a budget for a benefit period effective July 1, 2014. The budget indicated that Claimant was eligible for FAP benefits in the amount of \$15.00 per month based upon an earned income amount of \$1,272.00 per month. Claimant testified that he has never earned \$1,272.00 in one month and did not know how the Department arrived at that figure. The Department representative who prepared the budget was not present at the hearing. Therefore, the Department was unable to explain what information was received which led it to use this amount. Given the discrepancy between the budget that says Claimant is entitled to \$15.00 per month effective July 1, 2014 and the Notice of Case Action which notified Claimant that he was entitled to the \$0.00 per month effective July 1, 2014, and given that Claimant disputes the earned income amount used by the Department, it is found that the Department failed to establish that it properly calculated Claimant's eligibility for FAP benefits.

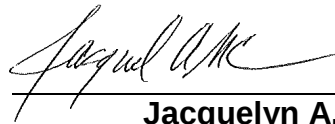
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it closed Claimant's FAP benefits effective July 1, 2014.

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. Redetermine Claimant's eligibility for FAP benefits effective July 1, 2014;
2. Issue supplements Claimant was eligible to receive but did not effective July 1, 2014; and
3. Notify Claimant of its decision in writing.



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

Date Signed: **7/22/2014**

Date Mailed: **7/22/2014**

JAM/cl

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]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]