

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

IN THE MATTER OF:

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Reg. No.: 14-006075
Issue No.: 3008
Case No.: ██████████
Hearing Date: July 30, 2014
County: Wayne (41-Fort Wayne)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 30, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████
██████████

ISSUE

Did the Department properly determine 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. On June 10, 2014, the Department sent a notice of case action indicating Claimant's FAP benefits would be reduced beginning July 2014.
2. On July 2, 2014, Claimant reported a change in her child support income.
3. On July 2, 2014, Claimant filed a hearing request indicating her child support income had changed and her FAP benefits needed to be corrected.
4. On July 3, 2014, the Department issued a new case action notice indicating Claimant's benefits for August 2014 would be increased based upon the reported income change. Further, the Department issued a supplement for the month of July 2014 raising the FAP benefits to the August 2014 increased level of \$347.

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.

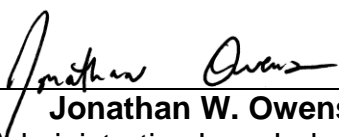
In the instant case, Claimant originally filed her hearing request to protest the proposed drop in her FAP benefits. The Department testified actions were taken to correct the amount of FAP benefits after the receipt of Claimant's hearing request and the documentation indicating a change in child support payments. The Department testified that Claimant had first notified them of the child support income change on July 2, 2014. Claimant did not dispute this information. Claimant instead testified she had believed the Department had access to the child support payment records and corrected her FAP benefits as needed. The Department testified they do have access to the records but they only access those records at application, redetermination/review or when a change is reported.

At hearing, Claimant testified she was satisfied with the FAP benefits granted for August 2014 forward and satisfied with the Department supplement of her July 2014 FAP benefits. Claimant testified her concern was the decrease in her July FAP benefits.

After reviewing the evidence and testimony provided, this Administrative Law Judge finds the Department properly corrected the FAP benefit levels based upon the change in child support income being reported. Claimant acknowledged she now understood the actions taken by the Department and she indicated satisfaction with the Department's supplement of her July 2014 FAP benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **8/4/2014**

Date Mailed: **8/4/2014**

JWO / pf

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]