

**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.: 14-011518
Issue No.: 3008
Case No.: ██████████
Hearing Date: October 9, 2014
County: WAYNE (15)

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 October 9, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist, and ██████████, Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's request for Food Assistance Program (FAP) supplements for September 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. Claimant is an ongoing FAP recipient.
2. On August 19, 2014, Claimant completed an application for Family Independence Program (FIP) benefits.
3. The Department denied Claimant's application for FIP benefits because at the time of application Claimant was receiving unemployment compensation.
4. At the time the Department denied Claimant's application for FIP benefits it was aware the Claimant's last unemployment compensation payment would occur on September 6, 2014.
5. On September 4, 2014, Claimant reapplied for FIP benefits.

6. On September 5, 2014, the Department sent Claimant a Notice of Case Action notifying him that his FAP benefits would increase to \$347.00 effective October 1, 2014.
7. On September 9, 2014, filed a Request for Hearing disputing the Department's failure to issue a supplement for FAP benefits for September 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.

Additionally, Department policy holds that FAP income decreases that result in a benefit increase must be effective no later than the first allotment issued 10 days after the date the change was reported. BEM 505 (July 2014), p. 10. On August 19, 2014, Claimant applied for FIP benefits. Claimant's application was denied because at the time of application, he was receiving unemployment compensation benefits. Claimant had been receiving FAP benefits at the time he applied for FIP benefits.

Claimant testified that he filed for FIP benefits in August 2014 because he believed he had exhausted his unemployment compensation. Claimant further testified that it was the Department that notified him that he had two additional weeks remaining. Claimant received his last unemployment compensation payment on September 6, 2014. As such, Claimant's income in September had decreased from prior months. Therefore, it is found that the Department was aware of the income change on or about August 19, 2014. August 29, 2014 would have been ten days after the change became known to the Department. The first allotment issued 10 days after the change would have been September 2014. Accordingly, based on the change in income and the change report date, Claimant may have been entitled to a supplement in September 2014.

Claimant reapplied for FIP benefits on September 4, 2014. On September 5, 2014, the Department sent Claimant a Notice of Case Action notifying him that his FAP benefits would increase to \$347.00 per month. Claimant's application for FIP benefits is currently pending.

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

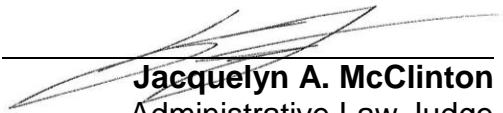
act in accordance with policy when it failed to determine whether Claimant was eligible for a supplement in September 2014.

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. Determine Claimant's eligibility for a supplement of FAP benefits for September 2014.


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

Date Signed: **10/13/2014**

Date Mailed: **10/13/2014**

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]
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