

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

IN THE MATTER OF:



Reg. No.: 14-018582
Issue No.: 3002
Case No.:
Hearing Date: January 27, 2015
County: Bay

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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, telephone hearing was held on January 27, 2015, from Lansing , Michigan. Participants on behalf of Claimant included . Participants on behalf of the Department of Human Services (Department) included , AP Supervisor.

ISSUE

Did the Department properly determine the Claimant's monthly allotment of 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. The Claimant is an ongoing Food Assistance Program (FAP) recipient.
2. On October 17, 2014, the Claimant provided the Department with verification of increased shelter expenses.
3. On November 5, 2014, the Department notified the Claimant that it would reduce her Food Assistance Program (FAP) benefits as of December 1, 2014.
4. On December 10, 2014, the Department received the Claimant's request for a hearing protesting the reduction of her Food Assistance Program (FAP) benefits.

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 will verify shelter expenses at application and when a change is reported. If the client fails to verify a reported change in shelter, remove the old expense from the Food Assistance Program (FAP) eligibility determination until the new expense is verified. Department of Human Services Bridges Eligibility Manual (BEM) 554 (October 1, 2014), p 14.

The Claimant is an ongoing Food Assistance Program (FAP) and had notified the Claimant that her mortgage payments would be increasing. On October 17, 2014, the Claimant provided the Department with verification of her increased mortgage payment.

Due to Department error, the Department failed to recognize this verification of shelter expenses. Department policy requires that unverified shelter expenses be excluded from the determination of Food Assistance Program (FAP) benefits. This is different than other eligibility criteria where unverified information would likely lead to closure of benefits.

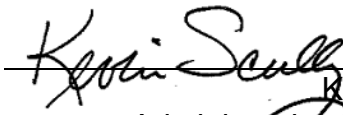
Since the Claimant did provide timely verification of her shelter expenses, and the Department does not dispute that the expenses were verified, the Department corrected its mistake and issued supplementary benefits for December of 2014.

The Claimant argued that due to Department error, that her benefits for December were less than she was entitled to and that this was a hardship for her family. The Department's error is not in dispute here, but since the Claimant received the benefits she is entitled to, there are no remedies available to this Administrative Law Judge to correct for the delay of benefits in this case.

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 determined the Claimant's Food Assistance Program (FAP) benefits for December of 2014, and ongoing.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Kevin Scully
Administrative Law Judge
for Nick Lyon, Acting DHS Director
Department of Human Services

Date Signed: **1/28/2015**

Date Mailed: **1/28/2015**

KS/las

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:

