

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

IN THE MATTER OF:



Reg. No.: 14-013087
Issue No.: 3000, 3008
Case No.: [REDACTED]
Hearing Date: November 05, 2014
County: GENESEE-DISTRICT 6

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 November 5, 2014, from Lansing, Michigan. Participants on behalf of Claimant included himself. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator [REDACTED]. Claimant's hearing request included two separate issues which are both addressed in this Decision & Order.

ISSUE

Did the Department properly close Claimant's Food Assistance Program on June 30, 2014?

Did the Department properly determine Claimant's Food Assistance Program eligibility on August 27, 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 was an ongoing recipient of Food Assistance Program benefits. His eligibility was due for re-determination by June 30, 2014.
2. On June 2, 2014, Claimant was sent a Notice of Missed Interview (DHS-254) which stated his Food Assistance Program.
3. On June 30, 2014, Claimant's Food Assistance Program closed.
4. On August 25, 2014, Claimant submitted an application for Food Assistance Program benefits.

5. On August 27, 2014, Claimant was sent a Notice of Case Action (DHS-1605) which stated he was eligible for \$ [REDACTED] per month of Food Assistance Program benefits.
6. On September 18, 2014, Claimant submitted a hearing request about the June 30, 2014 closure of his Food Assistance Program and the amount of his August 27, 2014 Food Assistance Program eligibility determination.

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).

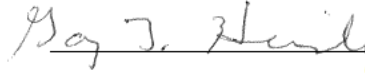
The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

The first issue Claimant raised was closure of his Food Assistance Program on June 30, 2014. Claimant was sent notice of the closure on June 2, 2014. Bridges Administration Manual (BAM) 600 requires that a hearing be requested within 90 calendar days of the first date of written notice for a Departmental action. August 1, 2014, was the 90th day. Claimant did not submit his hearing request until September 18, 2014. There is no jurisdiction to address closure of Claimant's Food Assistance Program on June 30, 2014. That portion of this hearing request is dismissed.

During this hearing the August 27, 2014 Food Assistance Program financial eligibility budget was reviewed. The information submitted by Claimant in the August 25, 2014 application was reviewed and his reported income and allowed expenses at the time were verified. The Department included all reported expenses in the August 27, 2014 Food Assistance Program eligibility determination. 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 Claimant's Food Assistance Program eligibility on August 27, 2014.

DECISION AND ORDER

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



Gary Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **11/10/2014**

Date Mailed: **11/10/2014**

GFH/hj

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: 

