

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-018150
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: February 05, 2015
County: KENT-DISTRICT 1

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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, an in-person hearing was held on February 5, 2015, from Grand Rapids, Michigan. Participants on behalf of the Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator, [REDACTED]; Assistance Payments Supervisor, [REDACTED] and Eligibility Specialist, [REDACTED].

ISSUE

Did the Department properly take action to reduce the Claimant's monthly Food Assistance Program (FAP) allotment?

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 was a FAP benefit recipient with a monthly allotment of \$94.
2. On December 4, 2014, the Department's supervisor found that the Claimant was receiving credit for a Medicare cost share expense that was actually being paid by the state. That expense was therefore removed from the Claimant's FAP budget, and a benefit reduction was certified.
3. On December 4, 2014, the Department sent the Claimant a DHS-1605, Notice of Case Action informing the Claimant that his monthly FAP allotment was reduced to \$ [REDACTED] effective January 1, 2015.

4. On December 9, 2014, the Department received the Claimant's hearing request protesting the reduction in his monthly FAP allotment.

PROCEDURAL HISTORY

A hearing in this matter was originally scheduled for January 22, 2015 at 2:00 PM. On January 14, 2015, the Michigan Administrative Hearing System (MAHS) received the Claimant's written request for an in-person hearing. On January 15, 2015, Administrative Law Judge C. Adam Purnell issued an Adjournment Order for In-Person Hearing. The hearing was rescheduled for February 5, 2015, and the hearing commenced as rescheduled.

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 facts of this case are undisputed. The Claimant did not contest that he was afforded a medical deduction that he was not entitled to. Indeed, the Claimant did not appear to be able to understand much of the evidence presented at the hearing. He complained that he was almost starving and that he has difficulty getting the doctors to bill him in a timely manner so that he could submit medical receipts to the Department. The Claimant further testified that he does have medical expenses going forward, and the Department personnel at the hearing assured the Claimant that his FAP budget could be adjusted to reflect his medical expenses.

After the hearing, the Department personnel present at the hearing did give the Claimant phone numbers for local resources to assist him and did actually make a referral for him to at least one of those resources to assist him with his daily activities.

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 took action to reduce the Claimant's monthly FAP allotment.

DECISION AND ORDER

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



Susanne E. Harris
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/10/2015**

Date Mailed: **2/10/2015**

SEH/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 48909-8139

cc:

