

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 14-019387  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: February 10, 2015  
County: Van Buren

**ADMINISTRATIVE LAW JUDGE:** Vicki Armstrong

**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, an in-person hearing was held on February 10, 2015, from Hartford, Michigan. Claimant personally appeared and testified. Participants on behalf of the Department of Human Services (Department) included General Services Program Manager [REDACTED] and Eligibility Specialist [REDACTED].

**ISSUE**

Did the Department properly close Claimant's Food Assistance Program 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 November 10, 2014, the Department mailed Claimant a Notice of Potential Food Assistance (FAP) Closure, effective 11/30/2014, for his failure to return the Semi-Annual Contact form.
2. On November 30, 2014, Claimant's FAP benefits closed.
3. On December 19, 2014, Claimant contacted the Department inquiring as to why his FAP benefits had closed.
4. On December 22, 2014, the Department mailed Claimant a Notice of Case Action indicating his FAP benefits were approved from 12/19/2014 through 12/31/2014 for \$ [REDACTED] a month and 1/1/2015 through 11/30/2015 for \$ [REDACTED] a month.
5. On January 2, 2015, Claimant submitted a Request for a Hearing contesting the loss of 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.

During the hearing, the Departmental representatives admitted Claimant's FAP case was closed in error and the Department still owed Claimant \$ [REDACTED] in FAP benefits. The Department representative explained a ticket had been called in for the issuance of the \$ [REDACTED] in benefits to Claimant, but as of the date of the hearing, the \$ [REDACTED] had not been issued.

Claimant testified that he did not understand why a Departmental employee was not punished for wrongfully closing his FAP case, or why after three months he still had not received the \$ [REDACTED] owed to him.

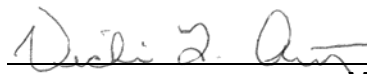
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it closed Claimant's FAP case and the Department had submitted a request to resolve the problem in December, 2014, and to date, the computer problem has not been resolved.

**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. The Department shall take the necessary steps to ensure the computer problem is resolved and Claimant's FAP eligibility is corrected in the computer system and shall issue Claimant the \$ [REDACTED] if he is otherwise entitled to it.



**Vicki Armstrong**  
Administrative Law Judge  
for Nick Lyon, Interim Director  
Department of Human Services

Date Signed: **2/13/2015**

Date Mailed: **2/13/2015**

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**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:

