

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-006093
Issue No.: 3002, 5002
Case No.: [REDACTED]
Hearing Date: May 28, 2015
County: Jackson

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on May 28, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself and her authorized hearing representative [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included Family Independence Manager (FIM) [REDACTED], Family Independence Manager (FIM) [REDACTED] and Eligibility Specialist (ES) [REDACTED].

ISSUE

Did the Department properly deny Claimant's March 31, 2015, State Emergency Relief Program application?

Did the Department properly close Claimant's Food Assistance Program beginning May 1, 2015?

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.
2. On March 31, 2015, Claimant submitted a State Emergency Relief Program application.
3. On April 1, 2015, Claimant was sent a SER Verification Checklist (DHS-3503-SER) requesting verification of Claimant's bank account and unearned income. The verifications were due by April 8, 2015.
4. On April 1, 2015, Claimant was also sent a Verification Checklist (DHS-3503) requesting verification of Claimant's unearned income for purposes of her Food Assistance Program. The verifications were due by April 13, 2015.

5. On April 9, 2015, the Department had not received verification of where payments on Claimant's utility bill came from, unearned income. Claimant was sent a State Emergency Relief Decision Notice (DHS-1419) denying the application.
6. On April 15, 2015, the Department had not received verification of where payments on Claimant's utility bill came from, unearned income. Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program would close on May 1, 2015.
7. On April 16, 2015, Claimant submitted a hearing request.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

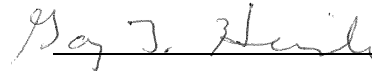
The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

During this hearing [REDACTED] testified that she had submitted information showing that Claimant received a utility allowance from her housing provider but that the information was not submitted until April 16, 2015. The verifications requested by the Department were due by April 8, 2015 for SER and April 13, 2015 for FAP. 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 denied Claimant's March 31, 2015, State Emergency Relief Program application and closed her Food Assistance Program.

DECISION AND ORDER

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



Gary Heisler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **6/2/2015**

Date Mailed: **6/2/2015**

GH/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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

