

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

IN THE MATTER OF:

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████████████████████
████████████████████

Reg. No.: 15-008326
Issue No.: 3001
Case No.: ██████████
Hearing Date: June 22, 2015
County: Wayne-District 15

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 June 22, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and his Authorized Hearing Representative (AHR) ██████████, Case Manager at ██████████. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Family Independence Manager and ██████████, Assistance Payment Worker.

ISSUE

Did the Department properly process Claimant's 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. Claimant was an ongoing recipient of FAP benefits.
2. One month prior to Claimant's FAP case closure, his benefits were reduced to \$31 monthly.
3. On an unverified date, Claimant's FAP case closed.
4. Claimant reapplied for FAP benefits on May 11, 2015, and his application was approved on June 2, 2015.

5. On May 21, 2015, Claimant requested a hearing disputing the reduction in his benefits for the one month prior to the case closure and disputing the closure of his FAP case.

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.

In this case, Claimant's hearing request clearly indicates that he is disputing the Department's reduction in his FAP benefits to \$31, as well as the closure of his FAP case without receiving proper notification from the Department. (See Claimant's Request for Hearing). At the hearing, the Department testified, through its hearing summary that Claimant reapplied for FAP on May 11, 2015, and that his application was approved on June 2, 2015. The Department did not present any evidence concerning the amount of Claimant's FAP benefits prior to his case closure or the case closure itself and only provided the hearing summary in support of its case.

The Department stated that the representatives present for the hearing were not Claimant's assigned case workers and that they did not have any information concerning Claimant's case, including when and why his FAP case closed. In addition, the Department did not present any evidence or a budget to allow the undersigned to make a determination as to whether the Department properly reduced Claimant's FAP benefits to \$31 prior to the case closure.

Claimant initially testified that his case closed in March 2015 and that he did not receive FAP benefits for March 2015 and April 2015. Claimant later stated that he received some benefits in March 2015 but it was unclear whether this amount was due to a supplement. Claimant confirmed that he reapplied in May 2015 and stated that prior to his case closure, he received \$31 in FAP benefits. Claimant testified and his AHR confirmed that he did not receive any notices from the Department concerning the closure of his FAP 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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Claimant's FAP benefits.

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. Reinstate Claimant's FAP case effective March 1, 2015;
2. Recalculate Claimant's FAP budget for February 1, 2015, ongoing;
3. Issue FAP supplements to Claimant from February 1, 2015, ongoing; and
4. Notify Claimant in writing of its decision.



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **7/02/2015**

Date Mailed: **7/02/2015**

ZB / tlf

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:

[REDACTED]