

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-011097
Issue No.: 3003
Case No.: [REDACTED]
Hearing Date: August 13, 2015
County: KENT-DISTRICT 1 (FRANKLIN)

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 August 13, 2015, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly determine the Claimant's continued eligibility for Food Stamp Program benefits (FAP)?

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 recipient of FAP benefits
2. On May 4, 2015, the Claimant applied for SER benefits. The Claimant cited a different mortgage amount than previously reported for her FAP eligibility. Department Exhibit 2-3.
3. On May 5, 2015, the Department sent the Claimant a Verification Checklist, DHS 3503, due May 15, 2015 to provide written verification of mortgage payment. Department Exhibit 4.
4. On May 13, 2015, the Department sent the Claimant a notice that her FAP benefits were decreased to [REDACTED] because she failed to submit verification of her mortgage payment. Department Exhibit 6-7.

5. On June 12, 2015, the Claimant submitted written verification of her mortgage amount, which was after the May 15, 2015 due date. Department Exhibit 5.
6. On June 23, 2015, the Department received a hearing request from the Claimant, contesting the negative action.

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, The Claimant was a recipient of FAP benefits. On May 4, 2015, the Claimant applied for SER benefits. The Claimant cited a different mortgage amount than previously reported for her FAP eligibility. Department Exhibit 2-3. On May 5, 2015, the Department sent the Claimant a Verification Checklist, DHS 3503, due May 15, 2015 to provide written verification of mortgage payment. Department Exhibit 4. On May 13, 2015, the Department sent the Claimant a notice that her FAP benefits were decreased to [REDACTED] because she failed to submit verification of her mortgage payment. Department Exhibit 6-7. On June 12, 2015, the Claimant submitted written verification of her mortgage amount, which was after the May 15, 2015 due date. Department Exhibit 5. BAM 105, 110, 115, 130, 200, 210, 220, and 600.

During the hearing, the Department stated that the required verification was received but a BRIDGES ticket was required to fix the case. Department Exhibit 10. The Claimant received a supplement of [REDACTED] for the month of June 2015 when the verification was received. Department Exhibit 11-16. She is not eligible for a supplement in May 2015 because she did not provide the verification until June 12, 2015. The Claimant has received all FAP benefits she was entitled to base on the receipt of the verification on June 12, 2015.

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 issued the Claimant a supplement for FAP benefits for June 2015 when the verification of her mortgage payment was received.

DECISION AND ORDER

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

Carmen G. Fahie

Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **8/21/2015**

Date Mailed: **8/21/2015**

CGF/sw

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:

