

**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.: 15-012431
Issue No.: 3001
Case No.: ██████████
Hearing Date: August 24, 2015
County: Pathways To Potential

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 three way telephone hearing was held on August 24, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Family Independence Specialist Success Coach.

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. On June 15, 2015, Claimant reported a loss of employment to the Department.
3. On June 25, 2015, Claimant reported that her son had returned to her home and requested that he be added to her FAP group.
4. On July 6, 2015, Claimant requested a hearing disputing the Department's actions.

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.

Claimant requested a hearing disputing the Department's actions with respect to her FAP benefits. Claimant raised two concerns at the hearing: (i) the Department's failure to timely process her reported loss of employment change; and (ii) the Department's failure to timely process her member add reported change.

At the hearing, Claimant testified that she lost her job on June 15, 2015, and that she completed a change report online to inform the Department that she was no longer employed. Claimant also testified that on June 25, 2015, she reported that her son moved back into her home and requested that he be added to her FAP group. For FAP, income decreases that result in a benefit increase must be effective no later than the first allotment issued ten days after the date the change was reported, provided necessary verification was returned. BEM 505 (July 2014), p. 10. For non-income changes of the FAP, the Department is to complete the FAP eligibility determination and required case actions in time to affect the benefit month that occurs ten days after the change is reported. BAM 220 (April 2015), p. 9. A member add that increases benefits is effective the month after it is reported. BEM 550 (February 2014), p. 4; BEM 212 (July 2014), p. 9.

The Department stated that Claimant's reported changes were processed and that for the period of July 1, 2015, ongoing, Claimant was approved for FAP benefits in the amount of \$925, based on \$0 in income and a FAP group size of six. Claimant confirmed that she received the correct \$925 for the month of August 2015, but not for July 2015. The Department presented a Notice of Case Action reflecting the increased FAP allotment to \$925 for August 1, 2015, and an eligibility summary indicating an approval for \$925 based on a group size of six for July 2015. (Exhibit A; Exhibit B). It should be noted that Claimant was approved for the maximum amount of FAP benefits based on her confirmed group size and \$0 in income reported/budgeted. RFT 260 (October 2014), p. 1.

The Department acknowledged that a system error has prevented supplemental FAP benefits from being issued to Claimant to reflect her increased group size and loss of income for the month of July 2015. The Department stated that a help desk ticket ([REDACTED]) has been issued to resolve the problem, as Claimant should have received \$925 rather than \$619. (Exhibit B)

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 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. Resolve the pending Help Desk Ticket ([REDACTED]); and
2. Issue FAP supplements to Claimant from July 1, 2015, ongoing, in accordance with Department policy.



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

Date Signed: **8/27/2015**

Date Mailed: **8/27/2015**

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]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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