

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

IN THE MATTER OF:

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

Reg. No.: 15-006519
Issue No.: 3001
Case No.: ██████████
Hearing Date: May 28, 2015
County: Wayne-District 55

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 May 28, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, PATH/Family Independence Specialist 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. On December 23, 2014, Claimant requested a hearing disputing the amount of his FAP benefits. (Exhibit 1)
3. On February 4, 2015, an administrative hearing was held with respect to the amount of Claimant's FAP benefits. (Exhibit 1)
4. The Hearing Decision associated with the above referenced administrative hearing was mailed on February 23, 2015, and the Administrative Law Judge (ALJ) found that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it failed to document the basis upon

which it calculated Claimant's FAP benefits. The ALJ ordered the Department to initiate certain actions with respect to Claimant's FAP benefits. (Exhibit 1)

5. On March 10, 2015, the Department completed an Administrative Hearing Order Certification to show that it complied with the Hearing Decision. (Exhibit A)
6. On April 10, 2015, Claimant requested a hearing disputing the Department's actions concerning his FAP benefits and asserted that his case worker is not doing what she is supposed to be doing.

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 requested a hearing disputing the Department's actions with respect to his FAP benefits and specifically referenced concerns he was having about his assigned case worker doing what she is supposed to be doing. At the hearing, Claimant testified that he had a prior administrative hearing where the Department was reversed and he was told by the ALJ that the Department would review his FAP case. Claimant provided the Hearing Decision for review at the hearing and indicated that the Department had not done what it was supposed to. (Exhibit 1). The Hearing Decision mailed on February 23, 2015, orders the Department to: (i) Recalculate Claimant's FAP benefits and supplement for any missed benefits according to Department policy. (Exhibit 1).

According to BAM 600, the Department is to implement and certify a decision and order within ten calendar days of the mailing date on the hearing decision. BAM 600 (January 2015), pp. 40-42. When a hearing decision requires a case action different from the one originally proposed, a DHS-1843, Administrative Hearing Order Certification is sent with the decision and order. The Department is to complete the necessary case action and send the DHS-1843 to MAHS to certify implementation and place a copy of the form in the case file. BAM 600, p. 42.

At the hearing, the Department testified that it recalculated Claimant's FAP benefits and determined that Claimant was not eligible for any supplement or missed benefits. The Department presented an Administrative Hearing Order Certification (DHS 1843) signed by a Department supervisor on March 10, 2015, which the Department testified shows compliance with the hearing decision and order. (Exhibit A). The Department also presented an eligibility summary showing a March 10, 2015, certification date.

Claimant later stated that he was disputing the Department's calculation of his FAP benefits and testified that he does not believe the amount is correct/enough. Claimant was informed that because he did not indicate on his April 10, 2015, hearing request that he was disputing the amount of his FAP benefits, the issue would not be addressed with this Hearing Decision. Therefore, 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 processed Claimant's FAP benefits. Claimant was further informed that if he disputed the amount of his FAP benefits, he was entitled to request a hearing and have that issue resolved.

DECISION AND ORDER

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



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

Date Signed: **6/5/2015**

Date Mailed: **6/5/2015**

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]
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