

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

**IN THE MATTER OF:**

[REDACTED]

MAHS Reg. No.: 15-016328  
Issue No.: 3004  
Agency Case No.: [REDACTED]  
Hearing Date: November 04, 2015  
County: Wayne (15) Greystone

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

**HEARING DECISION**

Following Petitioner'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 November 4, 2015, from Detroit, Michigan. The Petitioner was represented by Petitioner [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED] Eligibility Specialist.

**ISSUE**

Did the Department properly add the Petitioner's minor child, [REDACTED] to her Food Assistance Program (FAP) group?

**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 Petitioner applied for State Emergency Relief (SER) on January 13, 2015, and advised the Department that her minor son, [REDACTED] was a household member. At the hearing, the Department believed a Department error occurred that placed the Petitioner's son in an institution rather than in his mother's home. The Department conceded that [REDACTED] was in the house as of January 5, 2015. The Department sought to add the son as of February 2015.
2. At the hearing the Department indicated that they had requested a Help Desk Ticket to add the Petitioner's son to the FAP group, effective February 2015. No action had been taken on the ticket as of the hearing. Exhibit C.

3. The Department first became aware that Petitioner's son [REDACTED] was in the Petitioner's home when Petitioner applied for SER in January 2015.
4. The Department sent a Notice of Case Action on August 14, 2015, closing Petitioner's FAP case effective September 1, 2015, and advised the Petitioner that [REDACTED], her son, was not considered in the group. The FAP case was also closed due to failure to provide verification of her son [REDACTED] Loss of employment, which was not received. This case was ultimately reinstated. Exhibit A.
5. Subsequently, the Petitioner's FAP case was reinstated as of September 1, 2015; however, her son [REDACTED] was not included in the FAP group. Exhibit B.
6. The DHHS case number [REDACTED] is the case number associated with the Petitioner's **FAP** case. The case number [REDACTED] is the case number for the Petitioner's **SSI case**. The Department put the wrong case number on the Hearing Summary, and thus, did not respond to the hearing request as an FAP case.
7. At the hearing the Petitioner withdrew her hearing request regarding FAP benefits for her disabled adult, [REDACTED], case number [REDACTED] who has her own FAP case. The issue with regards to her daughter's FAP benefits has been resolved.
8. The Petitioner requested a timely hearing on September 2, 2015, protesting 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.

In this case, the Department failed to add an FAP group member to the Petitioner's FAP group when reported in January 2015. In August 2015, the Department incorrectly closed the Petitioner's FAP case for failure to verify loss of employment and removed her son [REDACTED] from the FAP group effective September 1, 2015. The Department conceded it had a system error that placed the Petitioner's son [REDACTED] in an institution, which was incorrect. The Petitioner first learned of the Department's failure to place her son [REDACTED] in the FAP

group on August 14, 2015, when the Department sent a Notice of Case Action to Petitioner. Because August 14, 2015, was the first time Petitioner was aware that her son was not in the group, it is determined that the Petitioner's hearing request is timely as the Department failed to process the case and did not advise the Petitioner until that date. Exhibit A. The Department conceded an error was placed in the system as the basis for its failure to add Petitioner's son; thus, it must do so in accordance with Department policy as it did not process this change when it received notice from the Petitioner of the change via the SER application. BAM 220 (October 1, 2015) p. 13.

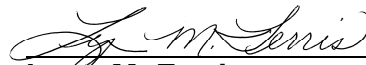
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it failed to add the Petitioner's son to the group after receiving Notice in January 2015.

### **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. The Department shall process the Petitioner's FAP case to add the Petitioner's son [REDACTED] to the FAP group based upon the Petitioner's reporting of January 15, 2015, in accordance with Department policy.
2. The Department shall issue an FAP supplement to the Petitioner for FAP benefits she is otherwise entitled to receive in accordance with Department policy.



**Lynn M. Ferris**

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

Date Mailed: **11/12/2015**

LMF/jaf

**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:

