

**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.: 15-016524
Issue No.: 3008
Agency Case No.: [REDACTED]
Hearing Date: October 27, 2015
County: OAKLAND-DISTRICT 3
(SOUTHFIELD)

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 October 27, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself and her mother [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included Family Independence Manager [REDACTED].

ISSUE

Did the Department properly determine Claimant's Food Assistance Program (FAP) eligibility on June 26, 2015?

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 Food Assistance Program (FAP) benefits. Her benefits were due for re-determination by June 30, 2015.
2. On June 26, 2015, the Department sent Claimant a Notice of Case Action (DHHS-1605) which stated she was eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits from July 1, 2015 ongoing.
3. On September 3, 2015, Claimant submitted a hearing request regarding her Food Assistance Program (FAP) benefits for the periods August 1, 2014 to June 30, 2015 and July 1, 2015 to June 30, 2016.

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.

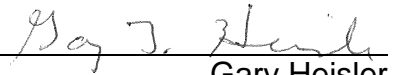
Claimant asserts she was eligible for \$68 per month of Food Assistance Program (FAP) benefits from August 1, 2014 to June 30, 2015 but was not paid the full amount. Her hearing request states that she would like to be receive the unpaid portion of her benefits. Claimant did submit a Notice of Case Action (DHHS-1605) with her hearing request which shows she was eligible for \$█ per month of Food Assistance Program (FAP) benefits from August 1, 2014 to June 30, 2015. The date of the notice is not on the Notice of Case Action (DHHS-1605). It was explained that a hearing request must be made within 90 calendar days of a written notice of case action. Claimant was informed that no jurisdiction exists to revisit the determination or payment of her Food Assistance Program (FAP) eligibility from August 1, 2014 ongoing.

The Food Assistance Program (FAP) eligibility determination in the June 26, 2015 Notice of Case Action (DHHS-1605) was reviewed. The amounts in Claimant's Food Assistance Program (FAP) financial eligibility budget were verified. The budget was found to be correct based on the information which had been reported to the Department at the time. It is noted that on the date of this hearing request Claimant reported a change in her shelter expenses. The Department sent Claimant a Verification Checklist (DHHS-3503) on September 10, 2015 in response to the reported change.

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 determined Claimant's Food Assistance Program (FAP) eligibility on June 26, 2015.

DECISION AND ORDER

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



Gary Heisler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **11/2/2015**

Date Mailed: **11/2/2015**

GFH / 

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:

