

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

IN THE MATTER OF:



MAHS Reg. No.: 16-000132
Issue No.: 2000, 3008
Agency Case No.: [REDACTED]
Hearing Date: February 16, 2016
County: KALAMAZOO

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 February 16, 2016, from Lansing, Michigan. Claimant was represented by himself. The Department was represented by Hearing Facilitator [REDACTED]

ISSUE

Did the Department properly determine Claimant's Food Assistance Program (FAP) eligibility on December 23, 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.
2. On December 23, 2015, Claimant was sent a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) benefit would be reduced to \$45 per month beginning February 1, 2016.
3. On December 30, 2015, Claimant made a verbal hearing request regarding his Medical Assistance (MA) and Food Assistance Program (FAP).

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 first determination in this case was jurisdiction. Claimant made a verbal hearing request regarding his Medical Assistance (MA) and Food Assistance Program (FAP). Bridges Administration Manual (BAM) 600 Hearings provides that a request for hearing must be in writing. There is an exception to the requirement of a written hearing request for the Food Assistance Program (FAP). The Medical Assistance (MA) portion of this case is dismissed for lack of jurisdiction.

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.

During this hearing Claimant's income and expenses, at the time of the Food Assistance Program (FAP) eligibility determination, were verified. The Food Assistance Program (FAP) budget was reviewed and the Department properly computed the claimant's net income and expenses. The federal regulations at 7 CFR 273.10 provide standards for the amount of a household's benefits. The Department in compliance with the federal regulations has prepared income limit and issuance tables which are set forth at Program Reference Manual, Table 250 and Table 260. The tables provide that a household with household size and net income of the Claimant's is eligible for a Food Assistance Program (FAP) allotment of \$ [REDACTED]

Claimant asserted that his income is irregular and he has not been working lately. The December 23, 2015, Food Assistance Program (FAP) eligibility determination used his verified income for the month of December 2015. Claimant was informed that if his income changes he should report that to the Department so they can obtain verification and review his ongoing Food Assistance Program (FAP) eligibility in light of any reported and verified changes.

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 December 23, 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 Mailed: **2/18/2016**

GH/nr

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:

