



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 17, 2016
MAHS Docket No.: 16-001699
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 March 15, 2016, from Lansing, Michigan. Petitioner was represented by himself. The Department was represented by Assistance Payments Worker [REDACTED] and Family Independence Manager [REDACTED].

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility on January 21, 2016?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was an ongoing recipient of Food Assistance Program (FAP) benefits.
2. On December 1, 2015, Petitioner was sent a Semi-Annual Contact Report (DHS-1046).
3. On December 9, 2015, Petitioner submitted a single pay check stub.
4. On January 6, 2016, Petitioner was sent a Verification Checklist (DHHS-3503) requesting verification of earned income.

5. On January 11, 2016, Petitioner submitted a statement from the Michigan Unemployment Insurance Agency and two additional pay check stubs.
6. On January 21, 2016, Petitioner was sent a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) benefits would be \$ [REDACTED] per month beginning February 1, 2016.
7. On February 3, 2016, Petitioner submitted this hearing request.
8. On February 16, 2016, Petitioner participated in a pre-hearing conference with the Department. The Department changed the amount of earned income and unearned income in Petitioner's Food Assistance Program (FAP) financial eligibility budget to effect the month of February.

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 changed Petitioner's Food Assistance Program (FAP) financial eligibility budget after receiving his hearing request. The changes increased Petitioner's monthly Food Assistance Program (FAP) to \$19 beginning February 1, 2016.

This action shows that the Department felt the January 21, 2016 Food Assistance Program (FAP) eligibility determination they made, was incorrect. Petitioner's hearing request disputed the January 21, 2016 Food Assistance Program (FAP) eligibility determination.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined Petitioner's Food Assistance Program (FAP) eligibility on January 21, 2016.

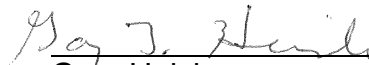
DECISION AND ORDER

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. Re-determine Petitioner's Food Assistance Program (FAP) eligibility for the period from February 1, 2016 ongoing.
2. Issue Petitioner notice of the re-determined eligibility so he may request a hearing about that specific determination if he chooses.

GH/nr



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

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

Petitioner

[REDACTED]