



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: April 8, 2016
MAHS Docket No.: 16-002907
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, teleconference hearing was held on April 06, 2016, from Lansing, Michigan. The hearing was conducted by teleconference call at the request of the Department of Health and Human Services. Participants on behalf of Petitioner included [REDACTED] [REDACTED] represented the Department of Health and Human Services (Department).

ISSUE

Did the Department of Health and Human Services (Department) properly determine the Petitioner's eligibility for the Food Assistance Program (FAP)?

FINDINGS OF FACT

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

1. On January 27, 2016, the Department received the Petitioner's application for Food Assistance Program (FAP) benefits as a group of one.
2. From August 1, 2015, through December 31, 2015, the Department granted the Petitioner a \$ [REDACTED] monthly allotment of Food Assistance Program (FAP) benefits as a group of one.
3. The Department granted the Petitioner a \$ [REDACTED] monthly allotment of Food Assistance Program (FAP) benefits in January of 2016.

4. The Department granted the Petitioner a \$ [REDACTED] monthly allotment of Food Assistance Program (FAP) benefits as of February 1, 2016, and ongoing.
5. On March 2, 2016, the Department received the Petitioner's request for a hearing protesting.

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.

For approval of an application filed during any period a FAP group was not certified for benefits, the effective date is the date of application if the group is eligible for the application month and benefits are to be prorated (even if the benefit amount prorates to zero). Department of Health and Human Services Bridges Eligibility Manual (BEM) 556 (July 1, 2013), p 6.

The Department prorates benefits for the month of application, beginning with the date of application, when the group is eligible for the application month. Department of Health and Human Services Bridges Administrative Manual (BAM) 115 (January 1, 2016), p 26.

The Petitioner was an ongoing FAP recipient as a group of one receiving a \$ [REDACTED] monthly allotment of FAP benefits through December 31, 2015. The Petitioner's benefits had closed effective December 31, 2015, and this eligibility determination was upheld by the Michigan Administrative Hearing System (MAHS) following a previous hearing (MAHS Docket No.: 16-000833). The maximum allotment of FAP benefits that can be received by a group of one is \$ [REDACTED] Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2015), p 1.

On January 27, 2016, the Department received the Petitioner's application for Food Assistance Program (FAP) benefits. The Department approved this application and granted the Petitioner a \$ [REDACTED] allotment of Food Assistance Program (FAP) as her initial benefit based with an effective date of January 27, 2016. This amount was determined by dividing the 5 days that the Petitioner was approved for FAP benefits by the 31 days in January, then multiplying the result by the \$ [REDACTED] monthly allotment amount (rounding to the dollar).

The Petitioner testified that the Department prohibits her from managing the benefits she is entitled to at the Department's offices. The Petitioner testified that the Department requires her to communicate by telephone only and prohibits her from submitting documents by hand despite her claim that this would be more convenient for her. The Petitioner was not allowed to participate in her hearing at the Department's office but was required to participate by teleconference call. The Petitioner argued that the treatment she receives from Department employees is a barrier to receiving the benefits she is entitled to.

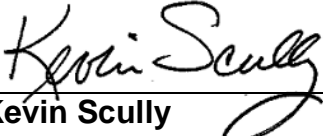
A complaint as to alleged misconduct or mistreatment by a state employee shall not be considered through the administrative hearing process, but shall be referred to the department personnel director. Mich Admin Code, R 792.11002.

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 the Petitioner's eligibility for Food Assistance Program (FAP) benefits based on her January 27, 2016, application.

DECISION AND ORDER

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

KS/las



Kevin Scully
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]

[REDACTED]

Petitioner

[REDACTED]