



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: April 27, 2016
MAHS Docket No.: 16-003403
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 April 20, 2016, from Lansing, Michigan. Petitioner was represented by himself. The Department was represented by Eligibility Specialist [REDACTED]. Testimony was received from all participants. Department's Exhibit A, pages 1 – 21 was admitted into evidence.

ISSUE

Did the Department properly deny Petitioner's February 19, 2016 Food Assistance Program (FAP) application?

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 February 19, 2016, Petitioner submitted an application for Food Assistance Program (FAP) benefits. Petitioner is a resident at a Turning Point Recovery Center in Pontiac.
2. On February 19, 2016, Petitioner was issued a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) application was denied.
3. On March 14, 2016, Petitioner submitted a hearing request.

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.

During this hearing Petitioner testified that: he was recently released from prison; he is required to stay at the [REDACTED] residence until he can afford to pay for someplace himself; they serve food there but not three meals a day; and he is supposed to follow a special diet due to his medical conditions and he cannot eat what they serve at [REDACTED]. Petitioner testified that he was hoping he could be an exception and receive Food Assistance Program (FAP) while he was there due to his special dietary needs.

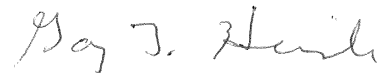
During the hearing Bridges Administration Manual (BAM) 256, 615 & 617 were reviewed for the criteria to receive Food Assistance Program (FAP) benefits when a resident of an institution that provides meals. No provisions were found in Department policy that allow an exception based on dietary needs.

Eligibility Specialist Dickerson testified that the address Petitioner stays at is known as a [REDACTED] residence and it does not qualify under Bridges Eligibility Manual (BEM) 256 as a facility authorized to accept Food Assistance Program (FAP) benefits.

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 denied Petitioner's February 19, 2016 Food

DECISION AND ORDER

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



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]