



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: June 9, 2016
MAHS Docket No.: 16-006011
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 June 1, 2016, from Detroit, Michigan. The Petitioner was present and represented by [REDACTED] [REDACTED] Authorized Hearing Representative (AHR). The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly issue FAP benefits to Petitioner in May 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 is an ongoing FAP recipient;
2. On [REDACTED], the Department sent Petitioner a Notice of Case Action which notified Petitioner that his FAP benefits would close effective [REDACTED].
3. On [REDACTED], Petitioner's AHR filed a Request for Hearing disputing the Department's actions.
4. Petitioner subsequently had a change in employment circumstances and also applied for a home heat tax credit.

5. On [REDACTED], the Department issued a Notice of Case Action which notified Petitioner that he was eligible for FAP benefits in the amount of \$169.00 monthly effective [REDACTED].
6. The Department issued \$16.00 in FAP benefits to Petitioner in May 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.

In this case, Petitioner's AHR requested a hearing following receipt of the [REDACTED] Notice of Case Action which indicated that Petitioner's FAP benefits would close effective [REDACTED]. The Department testified that after the Notice of Case Action was sent, Petitioner experienced changes in his circumstances. Specifically, the Department indicated that Petitioner's employment changed, causing the income to be removed from the FAP budget. Additionally, the Department indicated that Petitioner applied for the home heat tax credit and was found to be eligible.

The Department acknowledged that although it issued a Notice of Case Action on [REDACTED] [REDACTED] which notified Petitioner that he was eligible for \$169.00 per month in FAP benefits, Petitioner only received \$16.00 in May 2016. The Department confirmed that Petitioner is scheduled to receive \$169.00 in June 2016 and for each subsequent month provided there are no further changes in his circumstances. The Department was unable to explain why Petitioner had not received full FAP benefits for May 2016.

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 did not act in accordance with Department policy when it failed to provide Petitioner with full FAP benefits in May 2016.

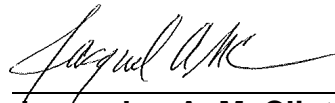
DECISION AND ORDER

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. Issue supplements for May 2016 that Petitioner was eligible to receive but did not; and;
2. Provide Petitioner with continuing FAP benefits in the amount of \$169.00 as long as his circumstances remain unchanged and if otherwise eligible.

JM/hw



Jacquelyn A. McClinton

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]

Authorized Hearing Rep.

[REDACTED]