



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: September 1, 2016
MAHS Docket No.: 16-010307
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 August 24, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], hearing facilitator.

ISSUE

The issue is whether MDHHS processed Petitioner's Food Assistance Program (FAP) eligibility for August 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. On [REDACTED], MDHHS mailed Petitioner a Notice of Case Action informing Petitioner of a termination of FAP eligibility, effective August 2016, due to Petitioner's alleged failure to submit a check stub.
2. On [REDACTED], Petitioner requested a hearing to dispute the termination of FAP benefits.
3. On [REDACTED], MDHHS issued a Notice of Case Action approving Petitioner for FAP eligibility, effective August 2016.

CONCLUSIONS OF LAW

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. MDHHS (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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a termination of FAP benefits. A Notice of Case Action was not presented, but it was not disputed that MDHHS mailed Petitioner a FAP termination notice, effective August 2016, on [REDACTED]. MDHHS testimony indicated the FAP termination was based on Petitioner's alleged failure to verify income.

MDHHS testimony conceded the basis for termination was improper. It was also not disputed that MDHHS continued Petitioner's FAP eligibility. Petitioner testified he appeared for the hearing to confirm that the continuation of FAP benefits was based on MDHHS correcting their error (as opposed to Petitioner's request to continue receiving FAP benefits pending the hearing outcome).

It was not disputed MDHHS issued a Notice of Case Action to Petitioner on the date Petitioner requested a hearing. The notice approved Petitioner's FAP eligibility beginning August 2016. The written notice is confirmation that MDHHS approved Petitioner's ongoing eligibility for a reason other than Petitioner requesting continued benefits pending the hearing.

It is found Petitioner's hearing request dispute is resolved. Accordingly, Petitioner's hearing request is dismissed.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS resolved Petitioner's dispute concerning a termination of FAP benefits, effective August 2016. Petitioner's hearing request is **DISMISSED**.

CG/hw



Christian Gardocki
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]