



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

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Date Mailed: October 27, 2016  
MAHS Docket No.: 16-014136

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**ADMINISTRATIVE LAW JUDGE: Vicki Armstrong**

**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 - 273.18; 42 CFR 431.200 - 431.250; 45 CFR 99.1 - 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on October 25, 2016, from Lansing, Michigan. Petitioner appeared and testified.

The Department of Health and Human Services (Department) was represented by Family Independent Specialist ██████████ and Assistance Payment Supervisor ██████████. The Department submitted ██████ pages which were admitted into evidence. After the hearing was held the Department submitted an additional ██████ exhibits which were admitted into evidence. The record closed after receipt of the additional ██████ exhibits.

**ISSUE**

Did the Department properly determine Petitioner's Food Assistance Program (FAP) allotment?

**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 August 15, 2016, the Department issued a Notice of Case Action informing Petitioner that her FAP benefits were closed effective September 1, 2016 ongoing. [Dept. Exh. 14-15].
2. On September 19, 2016, Petitioner reapplied for FAP. [Hearing Summary].

3. On October 3, 2016 during the pre-hearing conference with the Department, Petitioner verbally requested a hearing. [Dept. Exh. 1].
4. Petitioner testified during the hearing in the above captioned matter that she had applied for FAP benefits on September 5, 2016, and submitted tracking numbers [REDACTED] and [REDACTED] in support of her claim. [Petitioner Testimony].
5. Tracking number [REDACTED] was a Medicaid application filed by Petitioner's husband, [REDACTED], on August 15, 2016. [Assistance Payment Supervisor [REDACTED] Testimony].
6. Tracking number [REDACTED] was the FAP and Medicaid application filed by Petitioner on September 19, 2016. [Assistance Payment Supervisor [REDACTED] Testimony].
7. Petitioner failed to submit any evidence supporting her claim of originally filing the FAP application on September 5, 2016.

### **CONCLUSIONS OF LAW**

**As an initial matter**, the Department indicated that Medicaid for Petitioner's husband had closed on August 31, 2016 and was reinstated on September 1, 2016. Petitioner agreed, and once the Department explained how Petitioner could resubmit medical bills that were previously denied, Petitioner stated that the Medicaid program was no longer at issue.

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 Food Assistance Program budget for this hearing was not included in the hearing packet. Family Independent Specialist [REDACTED] testified that she would do a Redetermination to determine why Petitioner did not receive a heat and utility allowance in the FAP budget.

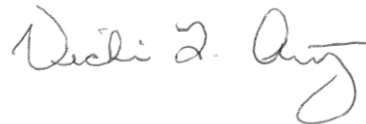
**DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined Petitioner's eligibility for FAP, in that the Department could not state why Petitioner did not receive a heat and utility allowance. Family Independent Specialist [REDACTED] suggested and agreed to do a Redetermination to ensure Petitioner's FAP eligibility was correct.

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. Redetermine Petitioner's FAP eligibility as suggested by Family Independent Specialist [REDACTED] during the hearing.
2. Issue a Notice of Case Action to Petitioner informing her of the results of the Redetermination.



**Vicki Armstrong**

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

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
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