



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: November 3, 2016
MAHS Docket No.: 16-014241

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 October 27, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly determine the Petitioner's eligibility for 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. The Petitioner was a recipient of FAP benefits.
2. On August 18, 2016, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, for the Petitioner to provide written verification of employment and loss of employment due August 29, 2016. Department Exhibit 1, pgs. 7-8.

3. On September 9, 2016, the Department sent the Petitioner a notice that her FAP benefits were closing effective October 1, 2016 for failure to submit required verifications of loss of employment and employment income. Department Exhibit 1, pgs. 3-6.
4. On September 21, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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, the Petitioner was a recipient of FAP benefits. On August 18, 2016, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, for the Petitioner to provide written verification of employment and loss of employment due August 29, 2016. Department Exhibit 1, pgs. 7-8. On September 9, 2016, the Department sent the Petitioner a notice that her FAP benefits were closing effective October 1, 2016 for failure to submit required verifications of loss of employment and employment income. Department Exhibit 1, pgs. 3-6. On September 21, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 105, 130, 205, and 220. BEM 212, 220, 221, 223, 225, 255, 400, 500, 501, and 554.

During the hearing, the Department Caseworker conceding that the Petitioner did timely report. The Petitioner school job ended at the end of the school year and she started another job. When the school year started again, she went back to her school job in the fall. There were no budgets submitted in the hearing the packet so the Department has not met their burden. The Department Caseworker went over the budgets on BRIDGES and they were still incorrect. The Department is willing to redetermine eligibility from July 2016 forward. The Petitioner has submitted all of the required documentation and nothing else is required of her.

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, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it did not submit the FAP monthly budgets with the hearing packet, but the FAP budgets on BRIDGES were also incorrect. The Department has agreed to settle and redetermine the Petitioner's eligibility retroactive to July 2016.

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 of initiating a redetermination of the Petitioner's eligibility for FAP retroactive to July 2016 forward.



Carmen G. Fahie
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]

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