



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: May 20, 2016
MAHS Docket No.: 16-005370
[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 May 18, 2016, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly process the Petitioner's application 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. On December 8, 2015, the Petitioner applied for FAP where he did not claim any shelter expenses on his application. Department Exhibit 4-23.
2. On January 22, 2016, the Petitioner was approved for FAP without any shelter expenses budgeted and a notice was sent to the Petitioner. Department Exhibit 30-33.
3. On April 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 applied for FAP where he did not claim any shelter expenses on his application on December 8, 2015. Department Exhibit 4-23. On January 22, 2016, the Petitioner was approved for FAP without any shelter expenses budgeted and a notice was sent to the Petitioner. Department Exhibit 30-33. On April 21, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 105, 110, 115, 130, 220. BEM 500, 501, 554, and 556.

During the hearing, the Petitioner stated that he had been to the local office 4 times in December 2015 about his shelter expenses. However, the Petitioner's application had not been assigned to Department Caseworker until January 2016. When he applied, he submitted his income verification so a verification checklist did not need to be sent out. His FAP application was processed. The Petitioner needed to submit proof of his housing expense to the Department so that it could have been budgeted in determining his FAP benefits. Unfortunately, the Petitioner never submitted a written verification about his shelter expense even when he got the notice and his shelter expense was not budgeted. The Petitioner should have called his Department Caseworker to tell her that he had a shelter expense that he needed to verify and have budgeted for his FAP case. The Department stated that they did not know he had a shelter expense until they received his hearing request. On April 28, 2016, the Department sent the Petitioner a Shelter Verification, DHS 3688.

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 processed the Petitioner's FAP application based on information that he provided on his application.

DECISION AND ORDER

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



CF/db

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

