



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 27, 2016
MAHS Docket No.: 16-005440
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 25, 2016, from Lansing, Michigan. The Petitioner appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Eligibility Specialist [REDACTED], and Assistance Payments Supervisor [REDACTED].

ISSUE

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

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 on-going FAP recipient.
2. Beginning May 1, 2016, Petitioner's FAP was reduced to \$ [REDACTED] per month because a data processing error within the Department's computer system is causing her FAP to be calculated using a \$ [REDACTED] amount for her allowed medical deduction in some months, and \$ [REDACTED] in other months, when the correct amount of verified medical expenses should put that expense at \$ [REDACTED].
3. The correct FAP budget (Exhibit 1 Page 2) awards her \$ [REDACTED] per month.

4. The data processing error was not discovered until the morning of the hearing and the Department had not yet had an opportunity to submit a help desk ticket to have the error resolved.
5. On March 15, 2016, Administrative Law Judge Kevin Scully conducted a hearing on Petitioner's prior hearing request and found at that time that, "The Department concedes that her countable medical expenses were improperly determined."
6. On April 16, 2016, the Department received Petitioner's latest hearing request.

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 Department has acknowledged that a "glitch" has been causing Petitioner's FAP budget to be erroneous. This has been an on-going problem for Petitioner. She receives multiple Notices of Case Action and the continuous flood of papers sometimes seems overwhelming. That glitch needs to be resolved. If a help desk ticket is needed to get it resolved, then the Department needs to get that done. Based upon representations from the Department during the hearing, it is expected that they have already taken that step.

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 reduced Petitioner's FAP.

The Department is being ordered to take corrective action below. Petitioner needs to understand that there are factors that will make it impossible for the issue to be resolved immediately. This is not to excuse or condone any unnecessary delays by the Department.

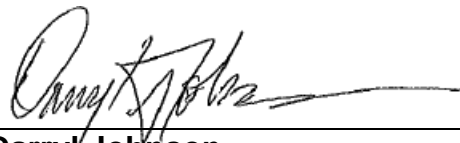
DECISION AND ORDER

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. If a help desk ticket has not been submitted, submit such a ticket and follow-up on a timely basis to ensure it has been implemented.
2. Initiate a redetermination of Claimant's eligibility for FAP benefits as of March 1, 2016.
3. Issue a supplement to Claimant for any benefits improperly not issued.

DJ/mc



Darryl Johnson

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]

Petitioner

[REDACTED]