



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: June 9, 2016
MAHS Docket No.: 16-005891
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 June 1, 2016, from Lansing, Michigan. Petitioner appeared and testified. Lead Worker [REDACTED] appeared for the Department and testified. Department's Exhibit A, pages 1 – 35 was admitted into evidence.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility on April 7, 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. Petitioner was an ongoing recipient of Food Assistance Program (FAP) benefits. Petitioner's Food Assistance Program (FAP) benefit group consists of herself and her son [REDACTED] [REDACTED] receives Social Security Administration benefit. [REDACTED] father, [REDACTED] is the payee for [REDACTED] Social Security Administration benefits. [REDACTED] pays child support to Petitioner for [REDACTED] Petitioner's Food Assistance Program (FAP) eligibility was due for re-determination by April 1, 2016.
2. On March 4, 2016, the Department received an online Redetermination (DHS-1010) from Petitioner.

3. On March 29, 2016, the Department informed Petitioner that additional information was required to clarify [REDACTED] Social Security Administration benefits and the child support.
4. On April 7, 2016, the Department updated Petitioner's Food Assistance Program (FAP) financial eligibility budget and determined she was eligible for \$ [REDACTED] per month. Petitioner was not sent a Notice of Case Action (DHS-1605).
5. On April 29, 2016, Petitioner submitted a hearing request.
6. On May 9, 2016, Petitioner was finally sent a Benefit Notice (DHS-176) which stated she was eligible for \$ [REDACTED] per month in Food Assistance Program (FAP) benefits beginning April 1, 2016.

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.

Petitioner disputes the inclusion of her son's Social Security Administration benefits in her Food Assistance Program (FAP) financial eligibility budget. Petitioner asserts that the amount of [REDACTED] Social Security Administration benefits is included in James' child support calculation. It is noted that since this hearing request was submitted further clarification has been received from the Friend of the Court and [REDACTED] Social Security Administration benefits have been removed from Petitioner's Food Assistance Program (FAP) financial eligibility budget.

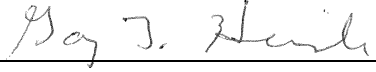
During this hearing the documentation which Petitioner had submitted to the Department regarding [REDACTED] Social Security Administration benefits and the child support from [REDACTED] were reviewed. The documents do not provide any explanation or accounting for [REDACTED] Social Security Administration benefits paid to [REDACTED]. On April 7, 2016, when the Department's eligibility determination at issue was made, there was no verification in the Department's possession to show that [REDACTED] Social Security Administration benefits should not have been included in Petitioner's Food Assistance Program (FAP) financial eligibility budget.

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 determined Petitioner's Food Assistance Program (FAP) eligibility on April 7, 2016.

DECISION AND ORDER

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

GH/nr



Gary Heisler
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]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]