



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: September 26, 2016
MAHS Docket No.: 16-012052
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 September 22, 2016, from Lansing, Michigan. Petitioner appeared and represented herself. [REDACTED] Family Independence Manager, and [REDACTED], Family Independence Specialist Caseworker, represented the Department of Health and Human Services (Department).

The Department offered the following exhibits which were admitted into evidence: **Exhibit A:** Recipient Benefits Management details from EPPIC (pages A1-A3); **Exhibit B:** Bridges SOLQ Report (pages B1-B5); **Exhibit C:** Bridges FAP-EDG Net Income Results and FAP Excess Shelter Deduction for January, 2016 (page C1-C3), Notice of Case Action dated December 10, 2015 (pages C4-C5); **Exhibit D:** Bridges FAP-EDG Net Income Results and FAP Excess Shelter Deduction for February, 2016 (page D1-D3), Notice of Case Action dated January 7, 2016 (pages D4-D5); **Exhibit E:** Bridges FAP-EDG Net Income Results and FAP Excess Shelter Deduction for March, 2016 (page E1-E3), Notice of Case Action dated January 28, 2016 (pages E4-E7); **Exhibit F:** Bridges FAP-EDG Net Income Results and FAP Excess Shelter Deduction for June, 2016 (page F1-F3); **Exhibit G:** Monthly Rental Agreement 7/13/16 (page 1); **Exhibit H:** Bridges FAP-EDG Net Income Results and FAP Excess Shelter Deduction for July, 2016 (page H1-H3), Notice of Case Action dated June 14, 2016 (pages H4-H6); **Exhibit I:** Bridges FAP-EDG Net Income Results and FAP Excess Shelter Deduction for August and September, 2016 (page I1-I6), Notice of Case Action dated August 8, 2016 (pages I7-I9); and **Exhibit J:** EPPIC Recipient Transaction History (pages 1-5)..

Petitioner did not offer any exhibits into evidence. The record closed at the conclusion of the hearing.

ISSUE

Did the Department properly issue 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 was active for FAP at all relevant times. [Exhibits A through J].
2. The Department deposited the following amounts on Petitioner's Electronic Benefit Transfer (EBT) card:
 - a. \$ [REDACTED] on December 1, 2015. [Exh. A, p. 1].
 - b. \$ [REDACTED] on December 31, 2015. [Exh. A, p. 1].
 - c. \$ [REDACTED] on January 31, 2016. [Exh. A, p. 1].
 - d. \$ [REDACTED] on March 2, 2016. [Exh. A, p. 1].
 - e. \$ [REDACTED] on April 2, 2016. [Exh. A, p. 1].
 - f. \$ [REDACTED] on May 1, 2016. [Exh. A, p. 1].
 - g. \$ [REDACTED] on June 2, 2016. [Exh. A, p. 1].
 - h. \$ [REDACTED] on June 15, 2016. [Exh. A, p. 1].
 - i. \$ [REDACTED] on July 5, 2016. [Exh. A, p. 1].
 - j. \$ [REDACTED] on July 31, 2016. [Exh. A, p. 1].
3. Petitioner received the above amounts on her EBT card on the dates indicated above. [Exh. A through J].
4. On August 26, 2016, Petitioner verbally requested a hearing because she believed that the Department failed to deposit the correct monthly amounts on her EBT card each month going back to January 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.

In the instant matter, Petitioner requested a hearing because she believed that the monthly FAP amounts that were deposited on her EBT card did not match the amounts that she was actually issued. In her verbal request for hearing, Petitioner stated that she wanted the Department to verify her month FAP allotments that were issued from January, 2016 through August, 2016. At the hearing, Petitioner stated that she did not want a hearing about Family Independence Program (FIP) or Medical Assistance (MA) or "Medicaid" benefits. The Department, on the other hand, contends that Petitioner was properly issued the amounts indicated on the computer system (Bridges).

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). The weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

Clients have a Michigan Bridge card where their benefits are automatically deposited. BAM 400 (10-1-2015), p. 5. Electronic Benefit Transfer (EBT) allows clients who receive cash (FIP, SDA etc.), and food (FAP) to receive their benefits using debit card technology. Benefits are deposited electronically into a cash and/or food account. Clients access their benefits by using their personal identification number (PIN), along with their Bridge card. BAM 401E (3-1-2016), p. 1. The Department can obtain the client's food assistance benefit history in Bridges. BAM 400, p. 6.

If clients have questions, or difficulties providing the information through the Interactive Voice Response Unit, they are transferred to a Customer Service Representative for further assistance. Examples of services offered by Customer Service Representative include:

- Procedures on how to select, change or reset a PIN.
- Explanations of why a card may not be working.

- Taking reports of lost/stolen/malfunctioning cards, and initiating processes to replace a card.
- Reviewing their account balance.
- Mailing a two-month account history statement to the caller's last known address.
- Deactivation of an AR's card.

BAM 401E, p. 7.

All FAP benefits are deposited into the client's EBT food account. New openings (including expedited issuances and supplements) are available to clients the day after the client information and benefit authorizations are authorized in Bridges. BAM 401E, p. 11.

Ongoing FAP benefits are available on the dates listed in RFS 305, and available on the same day of the month each month. The date depends on the last digit of the client's recipient ID number. BAM 401E, p. 11.

Clients access their FAP benefits:

- At any Food and Nutrition Service authorized POS retailer.
- Through the use of EBT paper vouchers issued by Food and Nutrition Service authorized merchants and retail establishments for eligible food items when:

The Food and Nutrition Service certified merchant or retail establishment does **not** have technical equipment to process the EBT transaction of food benefits. There has been a technical problem that has resulted in the malfunction of the EBT system.

See BAM 401E, p. 11.

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. Petitioner's contention that the Department failed to deposit the correct amounts on her EBT card is without merit. The record shows that the FAP amounts that were issued to Petitioner from January, 2016 through August, 2016 matched the amounts that were deposited on her EBT card. [Exh. A]. The Department provided document evidence in the record to show that it acted properly and deposited the correct amounts on Petitioner's EBT card. The Department also included an EPPIC Recipient Transaction History which provided evidence to support the Department's position. [Exh. J]. The material, competent and substantial evidence on the whole record shows that the Department followed policy, including but not limited to BAM 400 and BAM 401E and that the monthly FAP amounts that were issued to Petitioner on her EBT card were accurate.

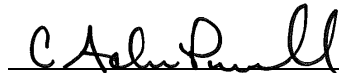
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy.

DECISION AND ORDER

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

IT IS SO ORDERED.

CP/las



C. Adam Purnell

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]

Petitioner

[REDACTED]