



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: October 7, 2016
MAHS Docket No.: 16-012662

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 6, 2016, from Lansing, Michigan. Petitioner personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Hearing Facilitator [REDACTED] [REDACTED] testified on behalf of the Department. The Department submitted 25 exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

1. Did the Department properly deny Petitioner Food Assistance Program 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. On March 14, 2016, Petitioner applied for State Disability Assistance benefits. [Testimony of Hearing Facilitator [REDACTED], 10/6/2016].
2. On May 4, 2016, the Medical Review Team approved Petitioner's application for disability. [Testimony of Hearing Facilitator [REDACTED], 10/6/2016].

3. On May 6, 2016, Petitioner reported his employment to the Department. [Hearing Summary; Testimony of Hearing Facilitator ██████████ 10/6/2016].
4. On May 6, 2016, the Department issued a Verification Checklist to Petitioner requesting verification of employment due by May 16, 2016. [Dept. Exh. 1-2].
5. On May 11, 2016, the Department received partial income verification. [Hearing Summary; Testimony of Hearing Facilitator ██████████ 10/6/2016].
6. On June 1, 2016, the Department issued a Notice of Case Action, denying Petitioner's State Disability Assistance application because Petitioner was not disabled. [Dept. Exh. 3-7].
7. On July 11, 2016, the Department issued a Verification Checklist to Petitioner requesting verification of employment due on July 21, 2016. [Dept. Exh. 13-14].
8. On August 5, 2016, Petitioner was approved for Social Security disability with a disability onset date of January 28, 2016. [Dept. Exh. 22-24].
9. On August 8, 2016, the Department issued a Notice of Case Action, approving Petitioner's Food Assistance Program benefits of \$ ██████████ a month beginning August 1, 2016 through July 31, 2017. [Dept. Exh. 7-10].
10. On August 29, 2016, Petitioner submitted a Request for Hearing regarding his Food Assistance Program benefits.

CONCLUSIONS OF LAW

As an initial matter, Petitioner did not request a hearing regarding State Disability Assistance, only the Food Assistance Program. Therefore, the issue of denying Petitioner State Disability Assistance will not be addressed. Petitioner's issue concerned his Department worker and his Food Assistance Program benefits.

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.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 792.10101 to R 792.10137 and R 792.11001 to R 792.11020. Rule 792.11002(3) provides as follows:

A complaint as to alleged misconduct or mistreatment by a state employee shall not be considered through the administrative hearing process, but shall be referred to the agency customer service unit.

Therefore, this Administrative Law Judge is unable to address Petitioner's complaints regarding his worker.

In this case, Hearing Facilitator [REDACTED] testified that Petitioner's Food Assistance Program closed as of June 30, 2016. However, the June 1, 2016 Notice of Case Action included as evidence in this case, only addressed the closure of the State Disability Assistance case, not the Food Assistance Program benefits. Hearing Facilitator [REDACTED] testified that Petitioner submitted the required documentation regarding his employer on June 10, 2016, and Petitioner's Food Assistance Program benefits were reinstated with no loss of benefits. However, there was a Verification Checklist issued by the Department on July 11, 2016 concerning the Food Assistance Program benefits requesting verification of employment by July 21, 2016. In addition, an August 8, 2016 Notice of Case Action indicated that Petitioner's Food Assistance Program benefits were approved beginning August 1, 2016.

DECISION AND ORDER

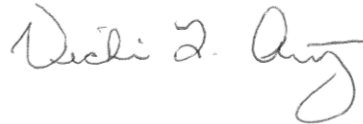
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it failed to provide a Notice of Case Action showing when Petitioner's Food Assistance Program benefits were closed and whether that closure was proper based on the testimony and evidence submitted at hearing.

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. Redetermine Petitioner's Food Assistance Program eligibility back to June 1, 2016.
2. If applicable, issue Petitioner any retroactive Food Assistance Program benefits he may otherwise be entitled to.

3. Issue an updated Notice of Case Action indicating the time period Petitioner was eligible for the Food Assistance Program.



Vicki Armstrong
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

