



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 13, 2016
MAHS Docket No.: 16-012826
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 10, 2016, from Detroit, Michigan. The Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED]

ISSUE

Did the Department properly determined 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. On July 13, 2016, the Petitioner returned a completed Semi Annual Contact report. The Petitioner included check stubs and confirmation of rent increase.
2. On August 23, 2016, the Department completed a redetermination and issued a notice of case action indicating Petitioner's FAP benefits would be [REDACTED] a month starting September 1, 2016.
3. On September 15, 2016, the Petitioner filed a request for hearing protesting the change in FAP benefits.

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 case, the Department completed a redetermination on August 23, 2016, based upon a semi-annual contact report. The Department completed a budget without changing the rental increase reported on the change report. The Department determined the Petitioner had monthly income of [REDACTED] prospectively. This budget resulted in the Petitioner being awarded [REDACTED] FAP benefits. This was a decrease from the prior amount of [REDACTED].

At hearing, the Department was unable to demonstrate how the Department arrived at a monthly income of [REDACTED]. Included in the hearing packet was the Petitioner's earnings from her employer for the last several months. A general review of these checks reveal the amount of earnings budgeted in the FAP budget to be incorrect. Further, the Department agreed the Petitioner had submitted proof of rental increase and agreed the budget had not been changed to reflect this increase.

Based upon the evidence and testimony the Petitioner has demonstrated the Department's determination regarding her FAP benefits was completed in error.

DECISION AND ORDER

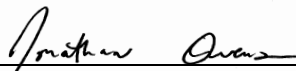
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it determined the Petitioner's FAP benefits.

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. Complete a new FAP budget in accordance with Department policies;
2. Issue supplement in FAP benefits back to September 1, 2016, if Petitioner was eligible for more FAP benefits than received;
3. Issue a notice of case action indicating the new FAP amount.

JWO/tm



Jonathan W. Owens
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]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

CC: [REDACTED]
[REDACTED]