



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: February 9, 2017  
MAHS Docket No.: 17-000245  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton**

### **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 February 1, 2017, from Detroit, Michigan. The Petitioner was represented by Petitioner.

Notice of the Hearing was sent to the Department of Health and Human Services (Department) on or about [REDACTED]. The hearing was scheduled at 10:30 a.m. The Department is required to contact the hearing office when it is ready to appear for a hearing. The Department failed to contact the hearing office for this hearing. An email was sent at 9:06 a.m. and again at 10:46 a.m. to the Department by a hearing employee requesting that the Department have a representative appear at the hearing. The Department failed to appear and the hearing commenced at 11:19 a.m.

### **ISSUE**

Did the Department properly decrease Petitioner's FAP benefits to [REDACTED] per month effective [REDACTED]?

### **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 ongoing recipient of FAP benefits.

2. On [REDACTED], the Department sent Petitioner a Notice of Case Action which notified Petitioner that her FAP benefits would decrease to [REDACTED] per month effective [REDACTED].
3. On [REDACTED], Petitioner filed a Request for Hearing disputing the Department's actions.

### **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, Petitioner testified that she filed a Request for Hearing as the FAP allotment provided by the Department was insufficient to meet her dietary needs. Although the Department failed to appear, it did mail a hearing packet to Petitioner and also sent a hearing packet to the hearing office in advance of the hearing. The hearing packet contained a hearing summary and two budgets. There were also additional documents contained within the hearing packet.

The hearing summary indicated that Petitioner's FAP benefits were reduced from [REDACTED] to [REDACTED] per month due to a [REDACTED] increase in RSDI income. Petitioner acknowledged the increase in RSDI income. The summary further indicated that Petitioner's benefits would further be decreased to [REDACTED] per month as Petitioner had been allowed a [REDACTED] expense to which she was not entitled. The Notice of Case Action reducing Petitioner's FAP benefits to [REDACTED] per month was sent on [REDACTED], [REDACTED] one day after the Request for Hearing was submitted. As such, the undersigned does not have jurisdiction over the further reduction in benefits to [REDACTED] per month.

The budget submitted by the Department reducing Petitioner's benefits to [REDACTED] per month used the incorrect unearned income amount of [REDACTED] per month. The budget submitted by the Department reducing Petitioner's benefits to [REDACTED] per month used the correct unearned income amount of [REDACTED] per month.

Petitioner testified that she submitted receipts for prescription purchases to her assigned worker. Petitioner further testified that her assigned worker failed to include

her prescription costs as allowable medical expenses. Under Department policy, expenses associated with prescriptions are allowable medical expenses. BEM 554 (January 2017), p. 10. Because the Department used incorrect income information and did not allow for prescription expenses when it reduced Petitioner's FAP benefits to [REDACTED] per month, it is found that the Department improperly reduced Petitioner's FAP benefits effective [REDACTED].

### **DECISION AND ORDER**

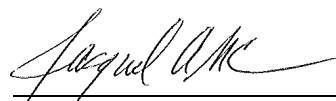
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it decreased Petitioner's FAP benefits to [REDACTED] per month effective [REDACTED].

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 eligibility for FAP benefits effective [REDACTED];
2. Issue supplements Petitioner was eligible to receive but did not effective [REDACTED] [REDACTED]; and
3. Notify Petitioner of its decision in writing.

JM/hw



---

**Jacquelyn A. McClinton**

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]