



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: May 15, 2017
MAHS Docket No.: 17-003703
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 May 10, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Assistance Payment Worker [REDACTED] and Assistance Payment Supervisor [REDACTED]

ISSUE

Did the Department properly process Petitioner's December 19, 2016, Assistance Application (DHS-1171) for Food Assistance Program (FAP) and Family Independence Program (FIP) 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's correct mailing address is [REDACTED], [REDACTED]
2. On December 19, 2016, Petitioner submitted an online Assistance Application (DHS-1171) for Food Assistance Program (FAP), Family Independence Program (FIP) and State Emergency Relief (SER) benefits. In the application Petitioner indicated that her daughter is home schooled. MIBridges populated Petitioner's mailing address in the application as [REDACTED] [REDACTED]

3. On December 21, 2016, a request for verification of Petitioner's daughter's home schooling was mailed to Petitioner at [REDACTED]
4. On December 21, 2016, a Notice of Case Action (DHS-1605) for Petitioner to was sent [REDACTED]. The notice stated that Petitioner was denied Food Assistance Program (FAP) benefits for June 16-30, 2016 due to receiving same program benefits in another state. The notice also stated that Petitioner was approved for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits from January 1, 2017 until June 30, 2017.
5. On January 17, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated her Family Independence Program (FIP) application was denied for failure to provide verification of home schooling.
6. On March 10, 2017, Petitioner submitted a hearing request.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

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.

The evidence in this record shows that the Department did not put a correct address into BRIDGES for the required correspondence, verifications and notices required by Department policy. 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 processed Petitioner's December 19, 2016, Assistance Application (DHS-1171) for Food Assistance Program (FAP) and Family Independence Program (FIP) benefits.

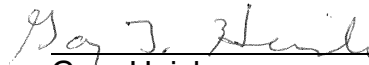
DECISION AND ORDER

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:

Reregister Petitioner's December 19, 2016, Assistance Application (DHS-1171) for Food Assistance Program (FAP) and Family Independence Program (FIP) benefits. Process the application in accordance with Department policy and issue Petitioner a current eligibility notice following processing.

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]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]