



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: June 5, 2017  
MAHS Docket No.: 17-005694  
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 23, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Eligibility Specialist [REDACTED] Hearing Facilitator [REDACTED] and Regulation Agent [REDACTED]

### **ISSUE**

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility on April 10, 2017?

### **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 an ongoing recipient of Food Assistance Program (FAP) benefits. Her Food Assistance Program (FAP) benefit group consisted of her seven children in common with her husband, [REDACTED]. Petitioner was not a member of the group because she was not in cooperation with the Office of Child Support (OCS).
2. On February 23, 2017, Regulation Agent [REDACTED] completed a Front End Eligibility (FEE) Investigation. Based on the undisputed facts that: [REDACTED] uses Petitioner's address as his legal address; and no one else but [REDACTED] and Petitioner know that they are not "together", the conclusion of the investigation was that [REDACTED] was residing in the household with Petitioner and their seven children.

3. On April 10, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated that beginning April 1, 2017, her Food Assistance Program (FAP) benefit group size was changing from 7 to 9, and her monthly FAP allotment was changing from \$ [REDACTED] to \$ [REDACTED]. The benefit group went up by 2 because [REDACTED] was added to the group and since the father of Petitioner's children was in the household, she was no longer disqualified due to non-cooperation with the Office of Child Support (OCS). The benefit amount went down because the Department included earned income for [REDACTED] [REDACTED] in the FAP financial eligibility budget, from previous information.
4. On April 18, 2017, Petitioner made a verbal hearing request.
5. On May 22, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated that beginning April 1, 2017, her Food Assistance Program (FAP) benefit group of 9 was eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits. The FAP eligibility increased because the Department updated [REDACTED] current income.

### **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.

On April 10, 2017, when the Food Assistance Program (FAP) eligibility determination at issue was made, [REDACTED] was correctly included in Petitioner's FAP benefit group. Subsequent to the April 10, 2017 eligibility determination, the Department has determined that the income used in the determination was incorrect and has made an updated Food Assistance Program (FAP) eligibility determination for Petitioner's properly determined benefit group.

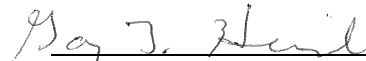
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy regarding verification of income, when it determine Petitioner's Food Assistance Program (FAP) eligibility on April 10, 2017.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to the benefit group's composition and **REVERSED IN PART** with respect to verification of MR. Morris' income.

THE DEPARTMENT HAS ALREADY REDETERMINED PETITIONER'S FAP ELIGIBILITY FROM APRIL 1, 2017. NO FURTHER ACTION IS REQUIRED OF THE DEPARTMENT IN THIS CASE.

GH/nr



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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]

**Petitioner**

[REDACTED]