



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 28, 2017
MAHS Docket No.: 17-006750
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Denise McNulty

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 June 22, 2017, from Lansing, Michigan. The Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearing Facilitator.

ISSUE

Did the Department properly determine Petitioner's eligibility for 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. Petitioner was denied FAP benefits for February 28, 2017. [Exhibit A, p. 5.] Petitioner's FAP case was closed in January 2017 because she had not submitted all requested verifications.
2. In early 2017, the Department notified families with active FAP cases on February 28, 2017, that they would be eligible for additional FAP benefits if they continued to meet the criteria for payment. [Exhibit A, p. 7.]
3. Petitioner did not receive notice from the Department regarding the additional FAP benefits.

4. Petitioner's home address is in [REDACTED] Michigan and is served by the City of [REDACTED] water supply.
5. On May 10, 2017, Petitioner requested a hearing regarding the [REDACTED] Water Food Assistance Supplement. A pre-hearing conference was held in this matter.

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 sought additional FAP benefits that were being provided by the Department as the [REDACTED] Water Food Assistance Supplement. When advised she did not meet the criteria Petitioner requested a hearing to dispute the Department's position. In early 2017, the Department notified FAP recipients, via mail, that they were eligible for additional food assistance because they, (i) were a resident of a [REDACTED] zip code, (ii) their address was served by the City of [REDACTED] water, and (iii) they were a current FAP recipient on February 28, 2017. [Exhibit A, p. 7.] Petitioner did not receive any such letter from the Department. The Department's position is that she was ineligible for the additional FAP assistance because on February 28, 2017, Petitioner was not a "current" FAP recipient. Petitioner believes she should be eligible because she was a [REDACTED] resident, with minor children and their home was serviced by the City of Flint water.

The [REDACTED] Water Food Assistance Supplement was going to provide \$ [REDACTED] per child under 18 years of age, as of April 1, 2017, on eligible FAP cases. Petitioner is part of a 4 member FAP group which includes three minor children under 18 years of age.

Petitioner's FAP case was closed in January 2017 because she had not submitted the required verifications. In February 2017 Petitioner did not have an open FAP case. Petitioner's FAP case was reopened effective March 3, 2017. [Exhibit A, p. 5.] Therefore, Petitioner did not meet the eligibility requirements to be able to receive the Flint Water Food Assistance Supplement. The Department applied the criteria properly to the Petitioner's circumstances.

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 acted in accordance with Department policy and program criteria when it arrived at the position that Petitioner did not meet the criteria for the [REDACTED] Water Food Assistance Supplement.

Accordingly, the Department's decision is **AFFIRMED**.



DM/nr

Denise McNulty
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]