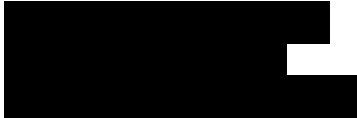




RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR



Date Mailed: September 12, 2017
MAHS Docket No.: 17-010577
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 September 7, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Hearing Facilitator [REDACTED] [REDACTED]

ISSUE

Did the Department properly processed Petitioner's Food Assistance Program (FAP)?

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.
2. On April 12, 2017, in accordance with the Department's employment summary reported by Petitioner, she registered with [REDACTED] and began an assignment at [REDACTED].
3. On April 19, 2017, in accordance with the Department's employment summary reported by Petitioner, she registered with [REDACTED].
4. On May 9, 2017, a Front End Eligibility Investigation was completed with regard to Petitioner's Food Assistance Program (FAP). As part of the investigation no contact was made at Petitioner's address of record but she was contacted via telephone. Petitioner reported that her address of record is her mother's home, she sleeps in her car and her children sleep at her mother's.

5. On May 4, 2017, Petitioner was sent a Verification Checklist (DHS-3503) and a Verification of Employment (DHS-38) for [REDACTED]. The verification was due back May 15, 2017.
6. On May 16, 2017, the Verification of Employment (DHS-38) had not been returned. Petitioner was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) would close beginning June 1, 2017.
7. On May 31, 2017, in accordance with the Department's employment summary reported by Petitioner, she registered with [REDACTED].
8. On June 9, 2017, in accordance with the Department's employment summary reported by Petitioner, she registered with [REDACTED].
9. On June 9, 2017, Petitioner submitted an application for Food Assistance Program (FAP) benefits. Petitioner was sent a Verification Checklist (DHS-3503) requesting verification of earned income and loss of employment.
10. On June 23, 2017, Petitioner was approved for Food Assistance Program (FAP) benefits.
11. On June 27, 2017, Petitioner was sent a Verification Checklist (DHS-3503) and Verification of Employment (DHS-38) forms for: [REDACTED]; and [REDACTED].
12. On July 13, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated that her Food Assistance Program (FAP) would close beginning August 1, 2017.
13. On July 31, 2017, Petitioner submitted a hearing request.
14. On August 21, 2017, Petitioner was approved for Food Assistance Program (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 this case Petitioner has provided credible testimony that she has registered with several employment services. The entities provide both temporary employment assignments paid through the service, as well as employment referrals for assignments paid by the employer. Petitioner's rigorous efforts to obtain income would certainly require a lot of attention from her Departmental case worker. The fact that the BRIDGES employment summary contains errors is obvious testimony to the difficulty of keeping accurate record of Petitioner's employment efforts. It is also testimony that the Department has not correctly discharged their responsibilities in managing Petitioner's Food Assistance Program (FAP).

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 Food Assistance Program (FAP).

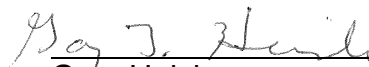
DECISION AND ORDER

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:

Reinstate Petitioner's Food Assistance Program (FAP) back to June 1, 2017 and process it in accordance with Department policy. Supplement Petitioner any Food Assistance Program (FAP) benefits she was otherwise eligible for but did not receive due to the unsupported actions taken on her case.

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]

Petitioner

[REDACTED]