



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: September 8, 2017
MAHS Docket No.: 17-010601
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 determine Petitioner's Food Assistance Program (FAP) eligibility?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Pet was an ongoing recipient of Food Assistance Program (FAP) benefits. Petitioner's Food Assistance Program (FAP) eligibility was due for redetermination by August 1, 2017.
2. On July 12, 2017, Petitioner submitted a Redetermination (DHS-1010) and required verifications.
3. On July 20, 2017, Petitioner's Food Assistance Program (FAP) financial eligibility budget was updated in order to remove her automobile insurance expense which had incorrectly been included when determining her previous eligibility. Petitioner was sent a Notice of Case Action (DHS-1605) which stated she was eligible for \$ [REDACTED] per month beginning August 1, 2017.
4. On July 31, 2017, Petitioner made a verbal hearing request.

5. On August 1, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated she was eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits beginning September 1, 2017.

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 the Department reports that Petitioner's shelter expense incorrectly included her automobile insurance expense. The Food Assistance Program (FAP) rules do not allow a reduction for automobile insurance.

Department Exhibit A pages 16 & 17, are Petitioner's insurance statement of May 18, 2017. The statement does indicate that Petitioner has insurance coverage of her automobile and residence under one combined policy. The statement indicates that the policy coverage became effective December 3, 2016. The statement indicates the payment for the combined coverages is \$ [REDACTED] per month. The statement does not show the length of the coverage or the total cost of the residence coverage for the unknown period is.

The Department submitted a Food Assistance Program (FAP) financial eligibility budgets showing the numbers used in determining both July 20, 2017 eligibility determination of \$ [REDACTED] and the August 1, 2017 eligibility determination of \$ [REDACTED]. The respective housing expenses in the budgets are \$ [REDACTED] and \$ [REDACTED]. The evidence submitted by the Department does not provide an explanation of how the two different amounts were derived from the same information.

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 determined Petitioner's Food Assistance Program (FAP) eligibility.

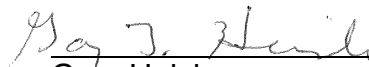
DECISION AND ORDER

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:

1. Re-determine Petitioner's Food Assistance Program (FAP) eligibility in accordance with Department policy from August 1, 2017 ongoing. Issue a current Notice of Case Action (DHS-1605) for the redetermination. If Petitioner did not receive all the Food Assistance Program (FAP) she was eligible supplement her any Food Assistance Program (FAP) benefits she was otherwise eligible for but did not receive due to this unsupported action.

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]

Petitioner

[REDACTED]