



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: April 20, 2017
MAHS Docket No.: 17-003461
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 April 12, 2017, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], specialist, and [REDACTED], manager.

ISSUE

The issue is whether MDHHS issued Food Assistance Program (FAP) benefits to Petitioner for the months from October 2016 through January 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 FAP benefit recipient.
2. On an unspecified date, MDHHS improperly terminated Petitioner's FAP eligibility, effective October 2016.
3. On an unspecified date, MDHHS issued FAP benefits to Petitioner beginning [REDACTED] 17.
4. On [REDACTED], Petitioner requested a hearing to dispute the failure of MDHHS to issue FAP benefits for October 2016 through [REDACTED].

5. On an unspecified date, MDHHS issued FAP benefits to Petitioner for October 2016 through [REDACTED].

CONCLUSIONS OF LAW

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. MDHHS (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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a termination of FAP benefits. Petitioner testimony specifically disputed the lack of FAP benefits from October 2016 through January 2017.

MDHHS did not dispute that Petitioner's FAP eligibility improperly stopped, beginning October 2016. MDHHS contended that FAP benefit issuances from October 2016 through January 2017 were given to Petitioner after she requested a hearing. Petitioner denied the occurrence of the issuances. Petitioner presented no documentation to support her allegation. MDHHS presented a document to support their allegation.

MDHHS presented a Benefit Summary Inquiry (Exhibit 1, p. 1). The document listed the following FAP benefit issuances to Petitioner: \$ [REDACTED] for October 2016, \$ [REDACTED] for November 2016, \$ [REDACTED] for December 2016, and \$ [REDACTED] for January 2017. Each issuance was listed as "available" on [REDACTED].

The presented summary also listed an additional FAP issuance for [REDACTED], through the end of the month. An issuance of FAP benefits for a partial month are only known to occur when a client applies for FAP benefits (see BAM 115). Presumably, Petitioner received an issuance for January 2017 after reapplying on [REDACTED], and a later FAP supplement intended to cover the first 22 days of January 2017.

The presented document was highly persuasive in verifying FAP-benefit issuances to Petitioner for all disputed months. It is found that MDHHS resolved Petitioner's dispute concerning the absence of FAP benefit issuances from October 2016 through January 2017.

Petitioner testimony implied a second dispute. Petitioner testified MDHHS should have issued more FAP benefits than the amounts issued. Petitioner's dispute is valid, but only for another hearing. Petitioner's hearing request only alleged a dispute of whether FAP benefits were issued; that dispute is resolved. Petitioner can separately request a hearing if she disputes the amount of benefits issued.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS issued FAP benefits to Petitioner for the months from October 2016 through January 2017. Petitioner's hearing request is **DISMISSED**.

CG/hw



Christian Gardocki
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]

Petitioner

[REDACTED]