



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: June 20, 2017
MAHS Docket No.: 17-006262
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 12, 2017, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner's request for Food Stamp Replacement?

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 is a recipient of Food Assistance Program (FAP) benefits.
2. On March 8, 2017, Petitioner lost power which caused her the food she previously purchased to become spoiled.
3. The power outage lasted until March 14, 2017.
4. On March 27, 2017, Petitioner submitted a request for Food Stamp Replacement.
5. On April 18, 2017, the Department sent Petitioner a Benefit Notice which notified Petitioner that her request for Food Stamp Replacement was denied.

6. On May 4, 2017, Petitioner filed a Request for Hearing disputing the Department's actions.

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.

Additionally, Food Assistance recipients may be issued a replacement of food that has been destroyed in a domestic misfortune or disaster and reported timely. BAM 502 (July 2013), p. 1. Further, replacements and reauthorizations are processed **only** if the client reports the loss timely. Timely means within 10 days if the loss is due to misfortune or disaster. However, if day 10 falls on a weekend or holiday and it is reported on the next workday, it is still considered timely. *Id.*

In this case, Petitioner experienced a power outage from March 8, 2017 through March 14, 2017. As such, under Department policy, Petitioner had to request Food Stamp Replacement services on or before March 24, 2017, which was a Friday.

Petitioner provided medical information to show that she was unable to work from March 21, 2017 through March 22, 2017. Although Petitioner stated that she was ill prior to the date, she provided no evidence to support this claim. Further, the medical documentation indicated Petitioner was able to return to work on March 23, 2017. As such, Petitioner could have filed a claim on March 23, 2017 or March 24, 2017. Although Petitioner indicated that she remained ill on March 23, 2017, she again provided no evidence of her illness.

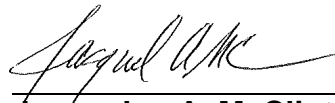
The Department testified that Petitioner submitted an application for State Emergency Relief benefits on March 23, 2017 and thus could have also submitted a timely request for Food Stamp Replacement. The Department further presented Petitioner's case notes which revealed that Petitioner talked with her assigned worker on March 14, 2017 but failed to inform her worker that she had been without power since March 8, 2017. Given that Department policy requires that a claim be filed within 10 days and that Petitioner failed to do so without good cause, it is found that the Department properly denied Petitioner's request for Food Stamp Replacement.

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 when it denied Petitioner's request for Food Stamp Replacement.

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

JM/hw



Jacquelyn A. McClinton
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]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]