



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR



Date Mailed: May 18, 2018
MAHS Docket No.: 18-003870
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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; 42 CFR 438.400 to 438.424; 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 May 15, 2018, from Lansing, Michigan. Petitioner personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Assistance Payment Supervisor, [REDACTED] Ms. Sutter testified on behalf of the Department. The Department submitted 20 exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

Did the Department properly determine and reinstate Petitioner's 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. At the start of the hearing, the hearing request was reviewed which indicated Petitioner had requested the hearing regarding Medical Assistance (MA) and FAP. Petitioner testified that she only wanted a hearing on her FAP benefits.

2. On [REDACTED], a Notice of Case Action dated [REDACTED], was mailed to Petitioner, informing her that her FAP benefits would close effective [REDACTED] ongoing. [Dept. Exh. 8-9].
3. [REDACTED] testified that the [REDACTED], Notice of Case Action was sent in error and as a result, Petitioner's FAP benefits closed on [REDACTED]. [REDACTED] testified that Petitioner's FAP benefits were reinstated on [REDACTED], and Petitioner did not have a break in FAP benefits.
4. [REDACTED] reviewed the budget with Petitioner. Petitioner agreed that amounts used in the budget were correct.
5. Petitioner testified that she was concerned about the upcoming changes in what she pays toward her rent, and how that would affect her 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.

As an initial matter, Petitioner clarified through her credible testimony at the start of the hearing, that she only wanted a hearing on her FAP benefits. Therefore, Medical Assistance was not an issue at hearing and will not be addressed in this decision.

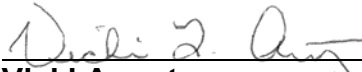
In this case, based on Assistance Payment Supervisor [REDACTED] credible testimony, a [REDACTED], Notice of Case Action was erroneously mailed to Petitioner on [REDACTED]. As a result, Petitioner's FAP benefits closed on [REDACTED]. Due to the error, Petitioner's FAP benefits were reinstated on [REDACTED]. The budget used in reinstating Petitioner's FAP benefits was reviewed at hearing with Petitioner. Petitioner credibly testified that she agreed the amounts used in the budget were correct. Petitioner stated that she was concerned about how changes in her future rent would affect her FAP benefits. That issue is not before this tribunal.

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 properly determined and reinstated Petitioner's FAP benefits.

DECISION AND ORDER

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

VLA/hb



Vicki Armstrong
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) 763-0155; 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

Kimberly Kornoelje
121 Franklin SE
Grand Rapids, MI 49507

Kent County, DHHS

BSC3 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]