



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: July 17, 2018
MAHS Docket No.: 18-005823
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, a telephone hearing was held on July 11, 2018, from Lansing, Michigan. Petitioner represented herself. The Department of Health and Human Services was represented by Tenishia Hutchins.

ISSUE

Did the Department of Health and Human Services (Department) properly deny a food benefit 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 Food Assistance Program (FAP) recipient.
2. Petitioner suffered a loss of power at her home from May 5, 2018, through May 7, 2018. Exhibit A, p 5.
3. On May 10, 2018, the Department gave Petitioner a Food Replacement Affidavit (DHS-601). Exhibit A, p 4.
4. On May 24, 2018, the Department received Petitioner's completed Food Replacement Affidavit (DHS-601) along with verification of the loss of power at her home. Exhibit A, pp 4-5.

5. On June 4, 2018, the Department notified Petitioner that her request for a food benefit replacement had been denied. Exhibit A, p 8.
6. On June 4, 2018, the Department received Petitioner's request for a hearing protesting the denial of a food benefit replacement. Exhibit A, pp 2-3.

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.

Food Assistance recipients may be issued a replacement of Food Assistance Program (FAP) benefits when food purchased with FAP benefits has been destroyed in a domestic misfortune or disaster and reported timely. Replacements and reauthorizations are processed only if the client reports the loss timely. Timely means within 10 days if the loss is due to domestic 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. Department of Health and Human Services Bridges Eligibility Manual (BEM) 502 (July 1, 2017), p 1.

On May 24, 2018, Petitioner turned in a Food Replacement Affidavit (DHS-601) due to a loss of food purchased with FAP benefits from a loss of power to her home from May 5, 2018, through May 7, 2018. Since this form was not received by the Department within 10 days of the loss of due to domestic misfortune or disaster, the Department denied Petitioner's request. Therefore, the Department was acting in accordance with policy when it denied Petitioner's request for a food benefit replacement.

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 a food benefit replacement.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



Kevin Scully
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

Clarence Collins
12140 Joseph Campau
Hamtramck, MI 48212

Wayne County (District 55), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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