



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: July 3, 2018
MAHS Docket No.: 18-005214
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 June 27, 2018, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Damdre Wisdom, Eligibility Specialist, and Alice Gilmer, Family Independence Manager.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for 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. Petitioner is a Food Assistance Program (FAP) recipient as a group of three at times relevant to this hearing request. Exhibit A, p 5.
2. On April 2, 2018, the Department received Petitioner's completed Redetermination (DHS-1010) where she reported ending employment. Exhibit A, pp 4-11.
3. On May 7, 2018, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of her ending employment by May 17, 2018. Exhibit A, p 12.
4. On May 23, 2018, the Department received Verification of Employment form. Exhibit A, p 15.

5. Petitioner is not receiving any prospective earned income from employment as of May 1, 2018. Exhibit A, p 16.
6. On May 23, 2018, the Department received Petitioner's request for a hearing protesting her Food Assistance Program (FAP) benefits. Exhibit A, p 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.

The maximum allotment of Food Assistance Program (FAP) available to a group of three is \$504. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2017), p 1.

Petitioner was an ongoing recipient of FAP benefits when the Department received her Redetermination (DHS-1010) form on April 2, 2018. On May 7, 2018, the Department requested that Petitioner provide verification of ending employment by May 17, 2018. Petitioner failed to supply the requested verification information, but the Department removed the earned income from her FAP budget, relying on its electronic database information to confirm the loss of income. As of May 1, 2018, Petitioner is receiving the maximum allotment of FAP benefits available for a group of three.

Petitioner argued that this was her third request for a hearing on this issue and that her caseworker does not handle her case properly.

This Administrative Law Judge was unable to locate a record of any other hearing request other than Petitioner's May 23, 2018, hearing request.

Further, the level of service provided by Petitioner's caseworker is not an issue that can be resolved by the Michigan Administrative Hearing System (MAHS). A complaint as to alleged misconduct or mistreatment by a state employee shall not be considered through the administrative hearing process, but shall be referred to the department personnel director. Mich Admin Code, R 792.11002.

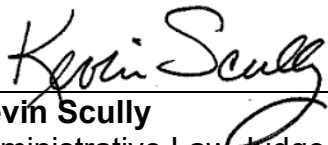
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in

accordance with Department policy when it determined Petitioner's eligibility for Food Assistance Program (FAP) benefits as of May 1, 2018.

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

Denise McCogle
27260 Plymouth Rd
Redford, MI 48239

Wayne County (District 15), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]