



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: October 26, 2018
MAHS Docket No.: 18-009823
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Landis Lain

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 October 24, 2018, from Lansing, Michigan. Petitioner was represented by [REDACTED]. The Department of Health and Human Services (Department) was represented by Authorized Hearings Representative Mark Boyd, Family Independence Manager.

ISSUE

Did the Department properly deny Petitioner's application 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. On [REDACTED], 2018, the Department received an application for FAP benefits.
2. On August 21, 2018, the Department sent Petitioner a verification of assets form DHS-20 requesting verification information about Petitioner's bank accounts.
3. On September 20, 2018, the Department sent Petitioner a Notice of Case Action stating that Petitioner's application for FAP benefits was denied because verification of the bank account was not returned.

4. On September 20, 2018, the Department received a Request for Hearing, contesting the denial of FAP benefits.
5. On September 25, 2018, a Notice of Prehearing Conference was sent to petitioner, scheduling the conference for October 2, 2018 at 1:30 PM.
6. On October 1, 2018, the Michigan Administrative Hearing System received a hearing summary and attached documents from the department.
7. On October 2, 2018, Petitioner did not appear for the prehearing conference.
8. The Department Representative determined that Petitioner did provide a copy of a bank statement indicating that her bank balance was \$0.
9. The Department's authorized representative determined that Petitioner's application should be reinstated and reassessed for eligibility.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a Department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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.

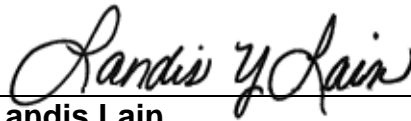
In this case, the Department's Authorized Hearings Representative conceded on the record that Petitioner did turn in a verification of bank account with a \$0 balance which could be used to determine Petitioner's eligibility for FAP benefits. The Department's Representative stated that Petitioner's application should be reinstated and conceded on the record that FAP benefits should be redetermined. Petitioner agreed.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate reinstatement of Petitioner's FAP application to the August 8, 2018 application date;
2. Redetermine eligibility for FAP benefits; and
3. If Petitioner is otherwise eligible, pay to Petitioner any FAP benefits to which she is entitled from the August 8, 2018 application date forward.



Landis Lain
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

LL/dh

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

Richard Latimore
4733 Conner
Detroit, MI 48215

Wayne County (District 57), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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