



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: December 28, 2018
MAHS Docket No.: 18-012137
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 December 20, 2018, from Lansing, Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Autumn Garland, Assistance Payments Worker.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) due to excess income?

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, Petitioner applied for FAP benefits. Department Exhibit 1, pgs. 5-10.
2. On November 13, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that Petitioner's FAP application for FAP was denied due to excess income for FAP benefits. Department Exhibit 1, pgs. 20-23.
3. On November 20, 2018, the Department received a hearing request, contesting the Department's negative action.

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.

In this case, Petitioner applied for FAP benefits on [REDACTED], 2018. He was laid off of his job on October 25, 2018. The Department Caseworker found his income under his Work Number. Department Exhibit 1, pgs. 5-10. For the month of October 2018, Petitioner did have excess income for FAP. Department Exhibit 1, pgs. 11-30. The Department Caseworker sent the notice of denial on November 13, 2018. Petitioner may have been eligible for FAP benefits for the month of November 2018 because he was laid off of his job. BEM 550, 554, and 556.

Petitioner reported on his application filed on October 30, 2018, that he was laid off from a seasonal job. Department Exhibit 1, pg. 9. As a result, the Department Caseworker should have calculated Petitioner's eligibility for November 2018 for FAP benefits. The application denial notice was sent on November 13, 2018, without a verification checklist to verify the work stoppage and FAP eligibility.

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 did not act in accordance with Department policy when it determined that Petitioner was not eligible for FAP benefits based on his Work Number, but he was laid off on October 25, 2018. He may be eligible for FAP for the month of November 2018.

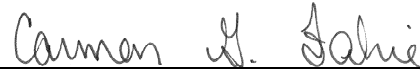
The Department is ordered to begin doing the following, in accordance with department policy and consistent with this hearing decision, within 10 days of the date of mailing of this decision and order of initiating a redetermination of Petitioner's eligibility for FAP retroactive to his FAP application dated [REDACTED], 2018, by sending out a Verification Checklist, DHS 3503, for written verification of an October 25, 2018, work stoppage due to being laid off as a seasonal employee.

Based on policy, the Department should provide Petitioner with written notification of the Department's revised eligibility determination and issue Petitioner any retroactive benefits she/he may be eligible to receive, if any.

DECISION AND ORDER

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

CF/dh



Carmen G. Fahie
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], MI [REDACTED]