



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

ORLENE HAWKS
DIRECTOR

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Date Mailed: January 15, 2019
MAHS Docket No.: 18-012898
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 January 10, 2019, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Pamela Carswell, Lead Eligibility Specialist.

ISSUE

Did the Department properly issue supplements to Petitioner for her Food Assistance Program (FAP) case?

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 was an ongoing FAP recipient.
2. On August 21, 2018, a hearing was held by Administrative Law Judge (ALJ) John Markey of the Michigan Administrative Hearing System (MAHS) in docket number 18-007117 to determine whether the Department properly closed Petitioner's FAP case effective July 1, 2018.
3. On September 11, 2018, ALJ Markey issued a decision reversing the Department's closure of Petitioner's FAP benefits based upon Petitioner's reasonable effort to comply with the Department's request to verify income and the Department's

failure to issue another request for verification if Petitioner's proofs were insufficient.

4. On November 13, 2018, a second hearing was held before ALJ Fahie in MAHS docket number 18-009794 to determine whether the Department properly decided Petitioner's FAP eligibility after a Bridges ticket was issued to correct an error.
5. On November 20, 2018, ALJ Fahie issued a decision Affirming the Department's decision and holding that the Department had submitted written verification after the hearing that the ticket had been resolved and that Petitioner had received a FAP supplement based upon the ticket.
6. On December 7, 2018, the Department received Petitioner's request for hearing disputing the receipt of a FAP supplement based upon an agreement reached by Petitioner and her case worker from July 2018, ongoing.

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 disputes the amount of benefits issued to her subsequent to the hearing decisions by ALJ Markey and ALJ Fahie as well as some agreement with her case worker. At the hearing, Petitioner presented no evidence of an agreement between her and her case worker. Even if Petitioner had presented evidence of an agreement between her and her case worker to have her benefit rate adjusted, the FAP benefit rate must be implemented in accordance with Department policies and federal regulations. 7 CFR 273.2(1).

After a decision is issued by a MAHS ALJ, the Department must record the decision in Bridges. BAM 600 (July 2018), p. 42. From there, the decision must be implemented within 10 calendar days of the mailing of the decision. *Id.*

In support of its case, the Department presented a two-page Benefit Summary Inquiry showing the FAP benefit rate that Petitioner was originally issued and the FAP benefit amount which she received as a supplement.

For July 2018, Petitioner originally received a FAP benefit of \$[REDACTED] on August 9, 2018. On September 19, 2018, Petitioner received a supplement of \$[REDACTED] for July 2018. On November 21, 2018, Petitioner received an additional FAP supplement of \$[REDACTED] for July 2018. Therefore, her total benefit for the month was \$[REDACTED]. In August 2018, Petitioner received a FAP benefit of \$[REDACTED] on August 9, 2018. In September, Petitioner received an initial FAP benefit of \$[REDACTED] on September 19, 2018, but then received a supplement of \$[REDACTED] on November 21, 2018. For October, November, and December, Petitioner received a FAP benefit of \$[REDACTED] on the 19th of each month.

MAHS docket number 18-007117 addressed the closure of Petitioner's FAP benefits in July and ordered the Department to issue supplements from July 1, 2018, *if* Petitioner was eligible for additional FAP benefits. In reviewing the evidence, the Department has shown that Petitioner received two supplements for July 2018, none for August 2018, and one for September 2018. The decision was issued on September 11, 2018, and a supplement for July was issued within 10 days. A second supplement for July and a supplement for September were issued in November just after MAHS docket number 18-009794. This evidence shows that Petitioner was eligible for *additional* benefits in July and September, but not in August. In addition, since the decision was issued on September 11, 2018, any changes that might have been necessary for October 2018 ongoing, would have been made before the benefit was issued for the month. Therefore, no supplements would have been necessary for October through December. Since MAHS docket number 18-007117 did not require a supplement to be issued *unless* the Department found that Petitioner was entitled to one, there is no error here. Petitioner has provided no evidence other than her verbal statements that she did not receive a supplement or that she was somehow entitled to a supplement greater than what she has already received. The Department provided documented evidence to support its testimony. Without some other proof from Petitioner to dispute the Department's documented evidence, the Department has met its burden of proof in establishing that it complied with MAHS docket number 18-007117.

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 issued supplements to Petitioner based upon MAHS docket number 18-007117.

DECISION AND ORDER

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

AMTM/



Amanda M. T. Marler

Administrative Law Judge
for Robert Gordon, 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

Richard Latimore
MDHHS-Wayne-57-Hearings

Petitioner

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