



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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

Date Mailed: March 1, 2019  
MAHS Docket No.: 19-000566  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Vicki L. Armstrong

**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 February 27, 2019, from Lansing, Michigan. Petitioner personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Hearing Facilitator Amber Gibson. Ms. Gibson testified on behalf of the Petitioner. The department submitted 29 exhibits which were admitted into evidence.

**ISSUE**

Did the Department properly process Petitioner's FAP application?

**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] [REDACTED] 2018, Petitioner submitted a FAP application to the department. [Dept. Exh. 3-15]
2. On January 4, 2019, the department approved FAP benefits for Petitioner without the rent expense budgeted. [Dept. Exh. 1].
3. On January 10, 2019, Petitioner submitted proof of rent. [Dept. Exh. 1].
4. On January 22, 2019, rent expenses were added into the FAP budget beginning February 2019. [Dept. Exh. 1].

5. On January 24, 2019, the FAP budget was corrected and a supplement was issued to Petitioner. [Dept. Exh. 1].
6. On January 10, 2019, Petitioner submitted a Request for Hearing contesting the department's failure to let her submit her expenses for her service animal. [Dept. Exh. 2].

### **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.

Petitioner alleged that the department refused to pay the expenses associated with her service animal. According to policy BEM 554, Allowable Medical Expenses for FAP expense budgeting include "the cost of securing and maintaining a seeing eye or hearing dog or other assistance animal. (Animal food and veterinary expenses included.)" BEM 554, p 10 (8/1/2017).

In this case, Hearing Facilitator Amber Gibson credibly testified that the department was unaware that Petitioner had a service animal and had never received any receipts or expenses for the animal(s). However, now that the department was aware, and Petitioner had brought receipts to the hearing, Ms. Gibson stated that any allowed expenses for Petitioner's service animal(s) would be listed as expenses as long as Petitioner submitted the receipts in accord with policy

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with Department policy when it agreed to begin allowing expenses for service animals once the receipts for the service animals were submitted in accord with department policy.

**DECISION AND ORDER**

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

VLA/nr



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Vicki L. Armstrong  
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**

Amber Gibson  
5303 South Cedar  
PO BOX 30088  
Lansing, MI  
48911

Ingham County DHHS- via electronic mail

BSC2- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

**Petitioner**

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