



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
MI [REDACTED]

Date Mailed: July 1, 2019  
MOAHR Docket No.: 19-004361  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

### **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, an In-Person Hearing was held on June 25, 2019, from Kalamazoo, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Catherine Gernaad, FIS. Marci Thompson and Amanda Fields also appeared for the Department. Department Exhibit 1, pp. 1-18 was received and admitted.

### **ISSUE**

Did the Department properly determine Petitioner's Food Assistance Program 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 had a Telephone Hearing on May 8, 2019, and a Hearing Decision was issued on May 17, 2019, affirming the Department's determination of Petitioner's FAP benefits.
2. On May 31, 2019, Petitioner submitted a request that reads as follows: "I request a reconsideration of this order case # [REDACTED] I was not working or had income come in my home until late February 17, 2019."
3. Petitioner attached a check stub from [REDACTED] dated [REDACTED] 1, 2018 with his request.

- Petitioner alleged that he requested replacement FAP because his power was out for a period of 2 days.

### **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 did not establish a basis for reconsideration. The evidence admitted at the previous hearing established that Petitioner was not eligible for MiCap FAP benefits.

At hearing, Petitioner alleged that he requested replacement FAP benefits because his power was out but presented insufficient evidence to establish that he had made such a request. Petitioner provided no written proof that he requested replacement FAP benefits. Petitioner also did not raise that issue in his request for hearing.

Petitioner raised issues with regard to his worker's performance of her job duties. The undersigned administrative law judge has no jurisdiction or authority to address those issues.

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 FAP benefits. In addition, Petitioner presented no basis for reconsideration of the May 17, 2019 Hearing Decision.

### **DECISION AND ORDER**

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

AM/nr



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Aaron McClintic  
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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**DHHS**

Renee Olian  
322 Stockbridge  
Kalamazoo, MI  
49001

Kalamazoo County DHHS- via electronic mail

BSC3- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

**Petitioner**

[REDACTED]  
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