



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 27, 2019  
MAHS Docket No.: 19-000556  
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, an in-person hearing was held on March 26, 2019, from Washtenaw, Michigan. The Petitioner was represented by her Attorney, Min Kim. The Department of Health and Human Services (Department) was represented by Assistant Attorney General Leah Brooks. The Department also had as witnesses Sandra Bredlow, Assistance Payments Worker, and Candace Baker, Family Independence Manager.

**ISSUE**

Did the Department properly issue February 2019 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. A hearing request was submitted by Petitioner to the Department on January 10, 2019, to contest the closure of FAP benefits and denial of SER benefits.
2. Prior to the hearing, the parties worked to resolve the issues in this case.
3. As of the date of the hearing, all concerns had been resolved except that the parties agree that Petitioner was not issued a FAP benefit in February 2019, and her Authorized Representative, [REDACTED], is not receiving notices regarding actions taken by the Department or requests for information from the Department.

4. The parties also agree that Petitioner was entitled to a FAP benefit of \$ [REDACTED] in February 2019.

### **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).

#### State Emergency Relief (SER)

The SER program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

At the hearing, Petitioner's Attorney indicated that Petitioner was not attempting to request a hearing regarding the denial of SER benefits and this issue was not being pursued. Therefore, the Request for Hearing as it relates to the SER program is DISMISSED.

#### Food Assistance Program (FAP)

The 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 parties agree that Petitioner was entitled to a FAP benefit of \$ [REDACTED] for February 2019 but that the FAP benefit was not issued. Policy provides that the Department is required to issue a supplement to a client when benefits are authorized in order to correct underissuances. BAM 400 (October 2018), p. 2. In this case, Petitioner received an underissuance of FAP benefits in the amount of \$ [REDACTED] as the Department has presented no evidence that she was not entitled to the benefit. Therefore, the Department must issue a supplement to Petitioner in the amount of \$ [REDACTED].

Petitioner also raised a concern related to her Authorized Representative's receipt of notices and requests for information from the Department. The Department concedes that there is an ongoing problem with notices being issued. An Authorized Representative (AR) is a person who makes application or provides eligibility information on behalf of a client. BPG Glossary (July 2018), p. 7. The AR in FAP cases can access food assistance benefits on behalf of the client. BPG Glossary, pp. 7-8. In MA cases, an AR must be an adult child or stepchild, a specified relative, designated in writing by the client, or court appointed. BPG Glossary, p. 8.

Hearings and thereby hearing decisions and orders are granted and made for the following reasons:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.
- Delay of any action beyond standards of promptness.
- For **FAP** and CDC, the current level of benefits or denial of expedited service.

BAM 600 (October 2018), p. 5. Since the issue of Petitioner's Authorize Representative receiving notice is not a reason for which hearings can be granted nor was there a connection presented to one of the reasons outlined above, no order will be issued related to this issue. However, the parties may find BEM 100, pp. 13 and 14 and BAM 105, p. 8, helpful for trying to implement Department policies if all else fails.

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 failed to issue Petitioner's February 2019 FAP benefit.

### **DECISION AND ORDER**

The portion of Petitioner's hearing request related to the **SER** program is **DISMISSED**.

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. Issue Petitioner her February 2019 FAP benefit in the amount of \$ [REDACTED]



AMTM/jaf

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**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

**Counsel for Respondent**

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**Petitioner**

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