



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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

Date Mailed: September 20, 2021  
MOAHR Docket No.: 21-003947  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Landis Lain**

### **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 September 15, 2021, from Lansing, Michigan. Petitioner self-represented himself at the hearing. Petitioner's mother [REDACTED] appeared and testified. The Department of Health and Human Services (Department) was represented by Kimberly Reed, Lead Worker.

Department's Exhibit A pages 1-20 were admitted as evidence.

### **ISSUE**

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefit allotment?

### **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 is a Food Assistance Program recipient.
2. On July 19, 2021, a DHS-4635 New Hire Notice was mailed to Petitioner requesting information about Petitioner's new job at [REDACTED]
3. On August 2, 2021, the Department closed Petitioner's food assistance because the DHS-4635 New Hire Notice was not returned.

4. On August 2, 2021, a DHS-1605 Notice of Case Action was sent to Petitioner notifying him that his FAP benefits would be cancelled effective September 1, 2021, because Petitioner failed to verify his employment.
5. On August 11, 2021, a Request for Hearing was received by the Michigan Office of Administrative Hearings and Rules and forwarded to the local office.
6. On August 19, 2021, the local office received the hearing request.
7. On August 25, 2021, the Department contacted Petitioner and verbally obtained the new hire information.
8. The income information was entered in BRIDGES and FAP were reinstated, resolving the disputed manner.
9. On September 15, 2021, the hearing was held, and the Petitioner was satisfied with the outcome.

#### **CONCLUSIONS OF LAW**

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a Department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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.

The Department's Representative stated that Petitioner's application was reinstated and indicated on the record that FAP benefits have continued without a break in service. Petitioner approved the reinstatement.

**DECISION AND ORDER**

Accordingly, the Department's decision to reinstate Petitioner's Food Assistance benefits is **AFFIRMED**.

LL/ml

  
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**Landis Lain**  
Administrative Law Judge

**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

**Via Electronic Mail**

MDHHS-Montcalm-Hearings  
BSC3  
M. Holden  
D. Sweeney  
MOAHR

**Authorized Hearing Rep. – Via First Class Mail**

[REDACTED]  
[REDACTED] MI [REDACTED]

**Petitioner – Via First Class Mail**

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