



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

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Date Mailed: October 6, 2023
MOAHR Docket No.: 23-005036
Agency No.: ██████████
Petitioner: █████ █████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 26, 2023, from Lansing, Michigan. █████ █████ the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Lori Turner, Eligibility Specialist.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-14.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) replacement 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 was eligible for \$██████████ in FAP benefits for the month of July 2023. (Exhibit A, p. 12)
2. On July █████ 2023, Petitioner submitted a letter from DTE stating she lost power from July 26-29, 2023. (Exhibit A, p. 7)
3. On August █████ 2023, Petitioner submitted a Food Replacement Affidavit and reported the amount of food destroyed was \$██████████ (Exhibit A, pp. 8-11)

4. On August [REDACTED] 2023, Petitioner received FAP benefit replacement in the amount of \$[REDACTED] (Exhibit A, p. 12)
5. On August 21, 2023, Petitioner requested a hearing contesting the amount of the FAP benefit replacement. (Exhibit A, pp. 3-4)

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.

Food Assistance recipients may be issued a replacement of Food Assistance Program (FAP) benefits when food purchased with FAP benefits has been destroyed in a domestic misfortune or disaster and reported timely. BAM 502, January 1, 2022, p. 1.

The Department is to discuss with the client the amount of food originally purchased with FAP benefits that was lost as a result of the domestic misfortune or disaster and replace the amount the client states they have lost up to the value of the current month's allotment. BAM 502, pp. 1-2.

In this case, on July [REDACTED] 2023, Petitioner submitted a letter from DTE stating she lost power from July 26-29, 2023. (Exhibit A, p. 7). On August [REDACTED] 2023, Petitioner submitted a Food Replacement Affidavit and reported the amount of food destroyed was \$[REDACTED] (Exhibit A, pp. 8-11).

However, Petitioner was eligible for \$[REDACTED] in FAP benefits for the month of July 2023. (Exhibit A, p. 12). Accordingly, on August [REDACTED] 2023, Petitioner received FAP benefit replacement in the amount of \$[REDACTED] (Exhibit A, p. 12).

Petitioner asserted that a supervisor told her the limit was \$350.00 for FAP benefit replacement. (Petitioner Testimony). However, the above cited BAM 502 policy clearly states that the Department can only replace the amount the client states they have lost up to the value of the current month's allotment.

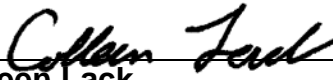
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in

accordance with Department policy when it determined Petitioner's eligibility for FAP replacement benefits.

DECISION AND ORDER

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

CL/dm



Colleen Lack
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 :

DHHS
Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
**MDHHS-Wayne-17-
hearings@michigan.gov**

HoldenM

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Via-First Class Mail :

Petitioner

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