



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: February 2, 2024
MOAHR Docket No.: 23-009726
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 hearing was held by telephone on January 25, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Shyla Coleman, Hearings Facilitator.

ISSUE

Did the Department properly determine and issue Petitioner's Food Assistance Program (FAP) benefits for October 2023, November 2023, and December 2023?

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] 2023, Petitioner submitted an application for FAP benefits, which was subsequently processed October 4, 2023, which was used as the date for initial benefits. (Exhibit A, p. 1, Exhibit C).
2. On October 6, 2023, the Department issued a Notice of Case Action approving Petitioner, with a group size of 3, for FAP benefits of:
 - a. \$19 per month for October 4, 2023 through October 31, 2023, and
 - b. \$22 per month for November 1, 2023 through September 30, 2024.

(Exhibit B).

3. The Department issued FAP supplements to Petitioner of \$125 on November 2, 2023, \$125 and \$240 on January 5, 2024.
4. The Notice of Case Action includes a budget summary reflecting [REDACTED] in monthly income after deductions. (Exhibit B, p. 2).
5. On December 20, 2023, Petitioner requested a hearing disputing the amount of FAP benefits. (Exhibit A, pp. 2 – 3).

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 requested a hearing on December 20, 2023 to dispute the resulting approved FAP benefit rate. At the hearing, she clarified that although she was satisfied with her FAP benefits for January 2024 ongoing, she did not believe she received all the FAP benefits she was eligible to receive for October, November, and December 2023.

In this case, Petitioner completed an application for FAP assistance on [REDACTED] 2023 that was subsequently processed by the Department on October 4, 2023. (Exhibit C). The Department issued a Notice of Case Action regarding Petitioner's application on October 6, 2023 approving Petitioner for benefits for a group size of 3 at the rate of \$22 per month effective November 1, 2023. Benefits for the period of October 4, 2023 through October 31, 2023 were prorated and approved in the amount of \$19.

Although the Notice of Case Action showed that benefits were based on earned income of [REDACTED] which the Department testified was based on income from Petitioner, AS, and 10 year old LO (Exhibit B, p. 2), the Department did not offer any further details or itemization of how the earned income was established. However, the Department's hearing summary stated that it subsequently determined that Petitioner was entitled to a FAP supplement.

The Department testified that several supplements were issued to Petitioner subsequent to the Notice of Case Action of October 6, 2023. Specifically, the Department testified that a \$125 supplement was issued to Petitioner on November 2,

2023 and two additional supplements of \$125 and \$240 were issued on January 5, 2024. However, the Department was unable to provide specific details or itemization of any adjustments to Petitioner's earned income of [REDACTED] how the supplements were determined, or other evidence to show how much Petitioner was eligible to receive under the recalculated budget. The Department was also unable to explain which months were addressed by each supplement.

Absent evidence to support the Department's actions or additional information from the Department, the undersigned cannot determine which policies apply in this case and therefore, cannot determine whether the Department acted in accordance with policy when determining Petitioner's FAP benefits effective October 4, 2023, including whether any subsequent supplements resolved any corresponding errors and thus Petitioner's dispute.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined Petitioner's FAP benefit rate effective between October 2023 and December 2023 and in issuing subsequent supplements.

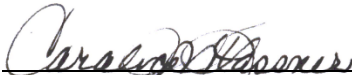
DECISION AND ORDER

Accordingly, 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. Redetermine Petitioner's eligibility for FAP benefits between October and December 2023;
2. If Petitioner is eligible for any supplemental FAP benefits, issue supplemental payments to Petitioner for any FAP benefits she was eligible to receive but did not, between October and December 2023; and
3. Notify Petitioner of its decision in writing.

CML/ml



Caralyce M. Lassner
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

Jeanenne Broadnax
Wayne-Taylor-DHHS
25637 Ecorse Rd.
Taylor, MI 48180

MDHHS-Wayne-18-Hearings@michigan.gov

Interested Parties

BSC4
M Holden
B Cabanaw
N Denson-Sogbaka

Via First Class Mail:

Petitioner

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