



Date Mailed: February 20, 2025

Docket No.: 24-038237

Case No.:

Petitioner:

«RECIP_FULL_NAME»

«RECIP_ADD0»

«RECIP_ADD1»

«RECIP_ADD2»

«RECIP_CITY», «RECIP_SPCODE»

«RECIP_POSTAL»

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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; 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 via telephone conference on February 12, 2025. Petitioner appeared for the hearing and represented himself. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Tiffany Suell, Eligibility Specialist and Morgan Hafler, Assistance Payments Supervisor.

ISSUE

Did the Department properly process Petitioner's 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. Petitioner has had sole legal and physical custody of his three children since July 2023. (Exhibit A, p. 17)

-
-
2. Petitioner was an ongoing recipient of FAP benefits. Petitioner's household includes himself and three children. Petitioner's FAP case closed effective February 29, 2024.
 3. On an unverified date, [REDACTED] the mother of the children applied for FAP benefits and the children were added to [REDACTED] household.
 4. On or around [REDACTED] 2024, Petitioner submitted an application for FAP benefits for himself and the three children.
 5. On or around September 26, 2024, the Department sent Petitioner a Notice of Case Action advising him that he was approved for FAP benefits for himself. The Notice of Case Action informed Petitioner that because the three children were eligible for FAP in another case, they could not be added to his FAP group.
 6. On or around December 30, 2024, Petitioner requested a hearing disputing the Department's actions with respect to the FAP and the Department's failure to include his three children as FAP group members.
 7. The Department removed the three children from [REDACTED] FAP group effective December 31, 2024, and added the children to Petitioner's FAP group as of January 1, 2025.
 8. The Department acknowledged that Petitioner's three children should have been included in his FAP group from the [REDACTED] 2024, application date, ongoing.
 9. The Department acknowledged that Petitioner is entitled to a FAP supplement for the three children from [REDACTED] 2024, through December 31, 2024.

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 requested a hearing disputing the Department's failure to properly process his [REDACTED] 2024, FAP application and failure to include his three

24-038237

children as members of the FAP group. At the hearing, the Department conceded that the three children should not have been included in [REDACTED] FAP group and she should not have received FAP benefits on behalf of the children because Petitioner had sole legal and physical custody of the children since July 2023. Although the Department representative testified that the children were removed from [REDACTED] FAP case as of December 31, 2024, the Department acknowledged Petitioner's three children should have been included in his FAP group from the [REDACTED] 2024, application date, ongoing, and that Petitioner is entitled to a FAP supplement for the three children from August 28, 2024, through December 31, 2024. The Department asserted that recoupment procedures will be initiated for overissued FAP benefits to [REDACTED] and FAP benefits will be re-issued to Petitioner for the time period of August 28, 2024, through December 31, 2024.

DECISION AND ORDER

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 processed Petitioner's FAP benefits.

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. Reprocess Petitioner's [REDACTED] 2024, FAP application to include his three children as members of the household FAP group;
2. Issue FAP supplements to Petitioner on behalf of the children from August 28, 2024, through December 31, 2024; and
3. Notify Petitioner in writing of its decision.



ZAINAB A BAYDOUN
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks.

Via Electronic Mail:

Respondent

WAYNE-HAMTRAMCK-DHHS

12140 JOSEPH CAMPAU

HAMTRAMCK, MI 48212

MDHHS-WAYNE-55-HEARINGS@MICHIGAN.GOV

Interested Parties

BSC4

M Holden

B Cabanaw

N Denson-Sogbaka

MOAHR

Via First Class Mail:

Petitioner

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