

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-14601

Issue No: 3003

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 16, 2009

Ottawa County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, an in-person hearing was held on June 16, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly budget claimant's monthly Food Assistance Program (FAP) benefit level upon receipt of stopped income verification?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

(1) Claimant is the grantee-member of a five person FAP group residing in [REDACTED]

[REDACTED].

(2) On February 5, 2009, claimant notified the department her husband had been laid-off effective February 3, 2009, and also, she provided timely verification of same (Department Exhibit #1, pg 4).

(3) Claimant's husband's lay-off resulted in a monthly FAP benefit increase to [REDACTED] effective March 1, 2009, but not earlier (Department Exhibit #1, pgs 1, 6 and 7).

(4) On February 20, 2009, claimant verbally requested a hearing because she thought she was entitled to receive this increased FAP allotment starting in February, 2009 (the reporting/verification month).

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The applicable departmental policy states:

WHEN TO COMPLETE A BUDGET

FIP, SDA, CDC, FAP

Client reporting requirements **do not** necessarily affect when a budget must be completed.

Complete a budget when:

- . the department is made aware of or the client reports a change in income that will affect eligibility or benefit level, or

- a reported change results in the need to convert income to or from a standard monthly amount. PEM, Item 505, p. 8.

Stopping Income

For stopping income, budget the final income expected to be received in the benefit month. Use the best available information to determine the amount of the last check expected. Use information from the source and from the client. Remove stopped income from the budget for future months. PEM, Item 505, p. 7.

Income Decrease

FAP

Income decreases that result in a benefit increase must be effective no later than the first allotment issued 10 days after the date the change was reported, provided necessary verification was returned by the due date. Do **not** process a change for a month earlier than the month the change occurred. A supplement may be necessary in some cases. If verification is required or deemed necessary, you must allow the household 10 days from the date the change is reported or the date you request verification to provide verification. The change must still affect the correct issuance month (i.e., the month after the month in which the 10th day after the change is reported).

If necessary verification is not returned by the due date, put the case into negative action. If verification is returned late, but before case closure, you must act within 10 days from the date the verification is returned. The increase must affect no later than the first allotment issued 10 days after the date the verification was returned. PEM Item 505, pp. 8-10.

The above-referenced policy is clear. FAP increases due to stopped income must start in the first allotment issued 10 days after the client verifies the reported change. In claimant's case, this means her FAP group's increased monthly benefit was required to be issued in March, 2009, but not earlier. Claimant's belief the department owed her this money in February, 2009, is simply erroneous. As such, no basis exists in fact or policy to reverse the department's action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department properly budgeted claimant's monthly FAP benefit level upon receipt of stopped income verification.

Accordingly, the department's action is AFFIRMED.

/s/

Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 23, 2009

Date Mailed: June 23, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

MBM/db

cc:

A large black rectangular redaction box covering several lines of text in the distribution list.