

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201126805

Issue No: 3002

[REDACTED]

[REDACTED]

Genesee County DHS

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on [REDACTED] [REDACTED]. After due notice, a telephone hearing was held on [REDACTED].

**ISSUE**

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

**FINDINGS OF FACT**

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

1. The Claimant is an ongoing Food Assistance Program (FAP) recipient.
2. The Department sent the Claimant a Semi-Annual Contact Report with a due date of October 1, 2010.
3. The Claimant returned the Semi-Annual Contact Report in a timely manner and reported that her son was receiving earned income.
4. On March 26, 2011, the Claimant's son moved out of her household.
5. On March 18, 2011, the Department notified the Claimant that it would reduce her monthly Food Assistance Program (FAP) allotment.
6. The Department received the Claimant's request for a hearing on March 28, 2011.

## **CONCLUSIONS OF LAW**

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must report changes in circumstance that potentially affect eligibility or benefit amount within 10 days of receiving the first payment reflecting the change. BAM 105. Income reporting requirements are limited to the following:

### Earned income:

- Starting or stopping employment.
- Changing employers.
- Change in rate of pay.
- Change in work hours of more than five hours per week that is expected to continue for more than one month.

### Unearned income:

- Starting or stopping a source of unearned income.
- Change in gross monthly income of more than ■■■ since the last reported change.

### Other changes:

- Persons in the home.
- Marital status.
- Address and shelter cost changes that result from the move.
- Vehicles.
- Assets.
- Child support expenses paid.

- Health or hospital coverage and premiums.
- Day care needs or providers. BAM 105.

SOAHR may grant a hearing about any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service. BAM 600.

The Department has the burden of proving that its actions were a proper application of its policies. The Department had a duty to present the following:

- An explanation of the action(s) taken.
- A summary of the policy or laws used to determine that the action taken was correct.
- Any clarifications by central office staff of the policy or laws used.
- The facts which led to the conclusion that the policy is relevant to the disputed case action.
- The DHS procedures ensuring that the client received adequate or timely notice of the proposed action and affording all other rights. BAM 600.

In this case, the Claimant is an ongoing Food Assistance Program (FAP) recipient. The Department sent the Claimant a Semi-Annual Contact Report with a due date of October 1, 2010. The Claimant returned the Semi-Annual Contact Report in a timely manner and reported that her son was receiving earned income. On March 26, 2011, the Claimant's son moved out of her household. On March 18, 2011, the Department notified the Claimant that it would reduce her monthly Food Assistance Program (FAP) allotment.

The Claimant argued that she had fulfilled her duty to report all changes in her circumstances that affect her eligibility to receive benefits. The Claimant requested an order preventing the Department from attempting to recoup any benefits previously issued to her by the Department.

The Department's representative testified that the Department has not initiated any recoupment of Food Assistance Program (FAP) benefits issued to the Claimant.

This Administrative Law Judge finds that the Claimant has no standing to protest a recoupment the Department has not initiated yet. The Claimant may request a hearing on a recoupment, but not until after the Department gives her notice of its intent to recoup Food Assistance Program (FAP) benefits.

The Claimant also disputed the amount of her monthly Food Assistance Program (FAP) allotment as of May 1, 2011.

The Department's representative testified that there is a problem with its Bridges computer system and a help ticket has been submitted to resolve issued with the manner the information from the Claimant's Semi-Annual Report were used to determine her eligibility to receive benefits.

The Department did not offer sufficient evidence to establish that it properly determined the Claimant's eligibility for Food Assistance Program (FAP) benefits as of May 1, 2011. Therefore, the Department has failed to establish that it properly determined the Claimant's eligibility to receive Food Assistance Program (FAP) benefits as of May 1, 2011.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department has not established that it properly determined the Claimant's eligibility to receive Food Assistance Program (FAP) benefits as of May 1, 2011.

Accordingly, the Department's Food Assistance Program (FAP) eligibility determination is REVERSED. It is further ORDERED that the Department shall:

1. Initiate a determination of the Claimant's eligibility for Food Assistance Program (FAP) as of May 1, 2011.
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

