

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201276654
Issue No: 3002
Case No: [REDACTED]
Hearing Date: October 11, 2012
Ingham 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 September 3, 2012. After due notice, a telephone hearing was held on October 11, 2012.

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. On June 1, 2012, the Department sent the Claimant a Semi-Annual Contact Report, which the Claimant returned in a timely manner on June 11, 2012.
3. The Claimant was an ongoing Food Assistance Program (FAP) recipient as a group of five and approved for a monthly allotment of [REDACTED] for June of 2012.
4. On June 18, 2012, the Claimant reported to the Department that the benefit group size had decreased to two people.
5. On June 27, 2012, the Department notified the Claimant that she was approved for Food Assistance Program (FAP) benefits with a monthly allotment of [REDACTED] for a group size of two.

6. On July 30, 2012, the Claimant reported to the Department that the benefit group size had increase to five people.
7. On August 7, 2012, the Department notified the Claimant that she was approved for Food Assistance Program (FAP) benefits with a monthly allotment of \$ [REDACTED] for a group size of four.
8. The Department received the Claimant's request for a hearing on September 3, 2012, protesting the amount of her monthly Food Assistance Program (FAP) allotment and the size of her benefit group.

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).

The Claimant was an ongoing Food Assistance Program (FAP) recipient. On June 1, 2012, the Department sent the Claimant a Semi-Annual Contact Report, which the Claimant returned in a timely manner on June 11, 2012. The Claimant was approved as a group of five for FAP benefits with a monthly allotment of \$ [REDACTED] for June of 2012.

On June 18, 2012, the Claimant reported to the Department that the benefit group size had decreased to two people. On June 27, 2012, the Department notified the Claimant that she was approved for Food Assistance Program (FAP) benefits with a monthly allotment of \$ [REDACTED] for a group size of two.

On July 30, 2012, the Claimant reported to the Department that the benefit group size had increased to five people. On August 7, 2012, the Department notified the Claimant that she was approved for Food Assistance Program (FAP) benefits with a monthly allotment of \$ [REDACTED] for a group size of four as of September 1, 2012.

The Department's representative testified that one person that the Claimant reported to be a member of her household on July 30, 2012, was an active member of another Food Assistance Program (FAP) benefit group. The Department's representative testified that Food Assistance Program (FAP) benefits could not be increased after additional group members were reported until the group income was verified. The Department's representative testified that the Claimant failed to provide verification of the group's income in a timely manner.

The Department will remove a person from a benefit group that leaves one benefit group to join another in the month that the change of residence is reported and will

initiate a recoupment if necessary. When a person joining a benefit group will cause an increase in benefits, that increase is effective the month after the change is reported. Department of Human Services Bridges Eligibility Manual (BEM) 212 (April 1, 2012), p 7.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. Department of Human Services Bridges Assistance Manual (BAM) 130 (May 1, 2012), p 1.

In this case, the Claimant reported to the Department that her group size had increased from two to five people on July 30, 2012. The Department failed to establish why it could not effectively increase the Claimant's benefit group the month after the reported change in accordance with BEM 212.

The Department discovered that a member of the Claimant's group was withdrawing from another benefit group to join the Claimant's group on July 30, 2012. The Department failed to establish why this member was not removed from the former benefit group in the month the change was reported in accordance with BEM 212.

The Department's representative testified that verification of group income was necessary to process an increase of benefits after a change of group size was reported. The Department failed to establish that it gave the Claimant adequate or timely notice of the verifications needed to determine her continued eligibility to receive Food Assistance Program (FAP) benefits.

In conclusion, this Administrative Law Judge finds that the Department failed to adequately verify the circumstances affecting the Claimant's Food Assistance Program (FAP) benefits and failed to process changes to the Claimant's benefit group in a timely manner.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to establish that it processed changes to the Claimant's benefit group in a timely manner, and failed to properly determine her eligibility for Food Assistance Program (FAP) benefits.

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

1. Allow the Claimant a ten-day period to submit verification to clarify her household composition and income since August 1, 2012, in accordance with Department policy.
2. Initiate a determination of the Claimant's eligibility for Food Assistance Program (FAP) as of August 1, 2012.

3. Provide the Claimant with written notification of the Department's revised eligibility determination.
4. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 17, 2012

Date Mailed: October 17, 2012

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.

KS/tb

cc:

