

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-45923
Issue No.: 3005, 3012
Case No.: [REDACTED]
Hearing Date: June 6, 2012
County: Ottawa

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on June 6, 2012, from Lansing, Michigan. Claimant personally appeared and provided testimony. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Eligibility Specialist), [REDACTED] (Family Independence Manager) and [REDACTED] (Assistance Payments Supervisor).

ISSUE

Did the Department properly and timely update Claimant's reported change of employment concerning her 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. Claimant was an active FAP recipient with a [REDACTED] monthly allotment.
2. Claimant had a group size of 1 (one) at all relevant times.
3. On March 21, 2012, Claimant called the Department and left a telephone message indicating that she lost her employment¹ and had applied for unemployment benefits.

¹ Claimant was employed through Manpower.

4. The Department updated Claimant's FAP case on the computer on March 23, 2012.
5. On March 23, 2012, the Department mailed Claimant a Quick Note (DHS-100) which indicated the following, "The changes that you have reported have not posted on our system yet. Please return the verification of end of employment and the amount you are receiving from unemployment, so we can update your case properly and timely. If you have any questions please contact your worker.
6. On March 27, 2012, the Department mailed Claimant a Verification Checklist (DHS-3503) which indicated, "Please provide additional information about: Employment Unknown, Unearned Income Unknown." The proofs were due by April 6, 2012.
7. On March 27, 2012, the Department mailed Claimant an Appointment Notice (DHS-170) which scheduled an in-person redetermination appointment for April 4, 2012 at 1:00p.m. The notice requested that Claimant bring with her to the appointment the redetermination paperwork and all verifications.
8. On April 4, 2012, Claimant attended the redetermination appointment and brought her paystubs.
9. Claimant did not provide, and the Department did not obtain, verification of Claimant's end date of employment by April 6, 2012.
10. On or about April 6, 2012, the Department obtained verification that Claimant's last date of employment was March 30, 2012.
11. On April 10, 2012, Claimant submitted a request for a hearing on a DHS-18 form. The hearing request concerned the proper calculation of her FAP benefits after she reported a change in unemployment.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

According to BAM 220, the standard of promptness for all programs is defined as the maximum time allowed to complete a required case action. Cases should be processed

as quickly as possible. BAM 220. The standard of promptness varies by program. BAM 220. For FAP, the standard of promptness requires the Department act on a change reported by means other than a tape match within 10 days after being aware of the change. BAM 220.

For FAP benefit increases, policy provides, “changes which result in an increase in the household’s benefits must be effective no later than the first allotment issued 10 days after the date the change was reported, provided any necessary verification was returned by the due date.” BAM 220. If necessary verification is not returned by the due date, the Department should take appropriate action based on what type of verification was requested. BAM 220. “If verification is returned late, the increase must affect the month after verification is returned.” BAM 220.

BAM 220 at page 6 provides the following example: “Rich reports on 3-23 that he now has a shelter expense. You must act on the change by 4-2. May’s benefits will be the first month affected because the 10th day after the change is reported falls in the next benefit period. You may affect the April issuance if you can complete the action by 3-31.”

BAM 220 further provides, “If verification is required or deemed necessary you must allow the household 10 days from the date the change is reported to provide the verification. The change must still affect the correct issuance month, for example the month after the month in which the 10th day after the change occurs.”

Similarly, BEM 505 at pages 8 and 9 indicate that 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. BEM 505 also prohibits the Department from processing a change for a month earlier than the month the change occurred.

Here, Claimant did not challenge the amount of FAP benefits. In fact, Claimant’s FAP benefits increased substantially after the Department processed Claimant’s reported loss of employment. In the instant matter, Claimant’s dispute with the Department is grounded in her belief that the Department should have processed her change in employment effective April 1, 2012 (resulting in a FAP increase) rather than May 1, 2012. During the hearing Claimant relayed multiple grievances against her caseworker and the Department including but not limited to: failure to return phone calls, frequent changes in caseworkers, and charges that her concerns are being generally ignored. This Administrative Law Judge lacks jurisdiction over these issues, but the undersigned does have the ability to address the issue concerning the proper date the Department should have processed Claimant’s change of employment.

In this regard, the above policy clearly mandates the Department wait until the following month before a change is processed. Claimant reported the change in employment on March 21, 2012 and the Department was required to obtain verification from Claimant’s former employer. Claimant did not provide the verification regarding the last date of

employment from her former employer until the first week of April. The Department obtained this necessary verification from Claimant's former employer during the first week of April. Because the Department obtained the verification in April, the earliest the point the change could be affected would be May 1, 2012. The only way Claimant's change could have been processed effective April 1, 2012 would be if either the Department obtained verifications by March 30, 2012 or if Claimant had provided the verifications by March 30, 2012. Because neither of the above scenarios occurred, Claimant's change was effective May 1, 2012. The Department acted properly in this situation and did not violate policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly when the Department processed the change of employment to Claimant's FAP case effective May 1, 2012 rather than April 1, 2012.

Accordingly, the Department's action is AFFIRMED for the reasons stated above and for the reasons stated on the record.

IT IS SO ORDERED.

/s/ _____
C. Adam Purnell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/8/12

Date Mailed: 6/8/12

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CAP/ds

