

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201312412
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: January 7, 2013
County: Wayne DHS (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 January 7, 2013 from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Supervisor, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly determined Claimant's Food Assistance Program (FAP) benefit eligibility effective 12/2012.

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 ongoing FAP benefit recipient.
2. Through 12/2012, Claimant's disabled child received \$712/month in Supplemental Security Income.
3. Through 12/2012, Claimant was responsible for a \$469/month rent.
4. Claimant's rent was subsidized and based, in part, on her household income.
5. Claimant began new employment and received her first pay on 11/9/12.

6. On 11/8/12, DHS determined that Claimant was ineligible for FAP benefits effective 12/2012, in part, based on a monthly SSI of \$712 and monthly rent of \$469.
7. On 11/20/12, Claimant requested a hearing to dispute the FAP benefit redetermination.

CONCLUSIONS OF LAW

The Food Assistance Program (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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The present case concerns a FAP benefit eligibility determination effective 12/2012. The determination was prompted by Claimant's newly started employment income. Claimant did not raise any objections to how DHS determined Claimant's FAP benefit eligibility for 12/2012; however, Claimant stated that her employment income caused a decrease in SSI and an increase in rent effective 1/2013. Claimant's statement implied that DHS could have found her eligible for FAP benefits in 1/2013 if DHS hadn't closed her case in 12/2012.

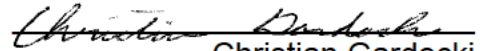
Clients must report changes in circumstance that potentially affect eligibility or benefit amount. BAM 105 (9/2012), p. 5. Income changes must be reported within 10 days of receiving the first payment reflecting the change. *Id.* Other changes (e.g. household members) must be reported within 10 days after the client is aware of them. *Id.*

Timely notice is given for a negative action unless policy specifies adequate notice or no notice. BAM 220 at 4. A timely notice is mailed at least 11 days before the intended negative action takes effect. The action is pended to provide the client a chance to react to the proposed action. *Id.* Bridges automatically calculates the negative action date. *Id.* at 9. The negative action date on Bridges is the day after the timely hearing request date on the Bridges notice of case action. *Id.*

It is known that DHS took action on Claimant's FAP benefit eligibility on 11/8/12. The effective date of the closure would have been 11/20/12. Claimant conceded that it was not until 12/2012 when she knew how much her SSI and rent would be affected by her employment income. By the time Claimant knew how much her child's SSI decreased and that her rent increased, Claimant's FAP benefit eligibility ended. At that point, the proper remedy for Claimant would have been to reapply for FAP benefits. Based on the presented evidence, it is found that DHS properly terminated Claimant's FAP benefit eligibility effective 12/2012.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FAP benefit eligibility effective 12/2012. The actions taken by DHS are AFFIRMED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 14, 2013

Date Mailed: January 14, 2013

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

CG/hw

cc:

