

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201320469
Issue No: 3002
Case No: [REDACTED]
Hearing Date: January 30, 2013
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 received on December 27, 2012. After due notice, a telephone hearing was held on January 30, 2013. Claimant personally appeared and provided testimony, along with a friend, [REDACTED]. The department witnesses were [REDACTED] and [REDACTED].

ISSUE

Whether the Department of Human Services (DHS) properly determined the date the claimant's Food Assistance Program (FAP) benefits were to increase due to a job loss?

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 was a recipient of FAP benefits at all times relevant to this matter.
2. On August 9, 2012, a Verification of Employment was received by DHS that indicated the claimant's boyfriend, [REDACTED], was working full-time for [REDACTED].
3. Once this income was budgeted into the claimant's FAP, the monthly FAP benefit amount was reduced to \$ [REDACTED]. Claimant was mailed notice of this action on August 10, 2012.
4. On October 1, 2012, the claimant's case worker wrote in the case notes that [REDACTED] reported that [REDACTED] was no longer working and a Verification of Employment (DHS-38) was mailed to the claimant to have completed.

5. The Verification of Employment (DHS-38) showing [REDACTED]'s employment with [REDACTED] ended on August 29, 2012 was dropped off to the department on October 9, 2012.
6. The decrease in income increased the claimant's FAP benefits to \$ [REDACTED]. A Notice of Case Action (DHS-1605) was mailed to the claimant on October 13, 2012 that informed her of this action.
7. The claimant submitted a hearing request on December 27, 2012.¹

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Department policy states that for FAP income decreases that result in a benefit increase, the change must be effective no later than the first allotment issued 10 days after the date the change was reported, provided that necessary verification was returned by the due date. BEM 505.

In this case, the claimant disputes when the department received information concerning the job loss. The claimant testified that she called her worker on August 30, 2012 and left her a message that [REDACTED] had lost the job. She further testified that she called on September 1, 2012 and left another message. The claimant states that her case worker, [REDACTED], called her back around September 3, 2012 and told her

¹ This hearing request is the result of action taken by the department after a hearing was held on December 12, 2012 by Administrative Law Judge (ALJ) Purnell. That hearing found the department had not provided enough information for the ALJ to make a determination as to the actions the department had taken on the claimant's FAP. Therefore, the department was ordered to redetermine the claimant's FAP benefits back to October 1, 2012. Once the department determined the claimant was not due any supplemental FAP benefits, the claimant submitted a hearing request, which is the matter addressed in this decision.

that she would mail her the form to have completed and to stop calling her and leaving messages. The claimant testified that she waited and didn't get the Verification of Employment form until October to complete and turned it in as soon as she got the form.

This is contradicted by the case comments that were completed in the case. On October 1, 2012, ██████████ noted in the case comments section "reported ██████ no longer employed. Bridges did not generate 3503, locally sent 3503." This also matches the date that the Verification of Employment has at the top of it (October 1, 2012), which shows this is the date the verification was mailed to the client. This Administrative Law Judge does not find it credible that the case worker would fail to case note several phone conversations and fail to take appropriate action in August and September, 2012 and then fabricate a phone conversation in October, 2012 and document it in the case comments section.

Therefore, this Administrative Law Judge finds that the claimant reported the change on October 1, 2012. The verification of the job loss was returned to the department on October 9, 2012. This would affect the November, 2012 issuance of FAP benefits, which is what occurred in this case. Therefore, the department acted in accordance with department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined the date the claimant's Food Assistance Program (FAP) benefits were to increase due to a job loss.

The department's actions are **UPHELD**.

It is SO ORDERED.

/s/ _____
Suzanne L. Morris
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: February 4, 2013

Date Mailed: February 5, 2013

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.

NOTICE: 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

SLM/cr

cc:

