

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

IN THE MATTER OF:



Reg. No.: 201329539
Issue No.: 3012
Case No.: [REDACTED]
Hearing Date: March 13, 2013
County: Macomb 20

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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. After due notice, a hearing was held on March 13, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly process the income change to Claimant Food Assistance Program (FAP) which she reported on January 22, 2013?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of Food Assistance Program (FAP) benefits.
- (2) On January 22, 2013, Claimant submitted her work schedule for the period beginning January 21, 2013 through February 28, 2013. Claimant was reporting that her work schedule was being reduced from full time to part time beginning January 21, 2013 with the first check for changes to be on February 8, 2013. Exhibit C pages 1-3.
- (3) On February 8, 2013, Claimant submitted her pay check stub dated February 8, 2013 which was for her work hours from January 20, 2013 through February 2, 2013. Exhibit d pages 1 & 2.
- (4) On February 11, 2013, the Department ran an updated Food Assistance Program (FAP) financial eligibility budget for Claimant. Claimant was sent

a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) benefits would increase beginning March 1, 2013.

- (5) On February 13, 2013, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

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 Program Reference Manual (PRM).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BAM 220 CASE ACTIONS DEPARTMENT POLICY All Programs

Process the following case actions:

- Initial applications and reapplications (BAM 115).
- Redeterminations (BAM 210).
- Reinstatements (BAM 205).

Bridges will evaluate each change reported and entered in the system to determine if it affects eligibility.

A **positive action** is a DHS action to approve an application or increase a benefit.

A **negative action** is a DHS action to deny an application or to reduce, suspend or terminate a benefit. This includes an increase in a post-eligibility patient-pay amount for MA or an increase in the client pay for a special living arrangement.

STANDARDS OF PROMPTNESS All Programs

The standard of promptness (SOP) is the maximum time allowed to complete a required case action. Cases should be processed as quickly as possible. The SOP sometimes varies by program.

**All Other Reported Changes
FIP, RCA, SDA, CDC, MA and AMP**

Act on a change reported by means other than a tape match within 15 workdays after becoming aware of the change.

FAP Only

Act on a change reported by means other than a tape match within 10 days of becoming aware of the change.

Benefit Increases:

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. A supplemental issuance may be necessary in some cases. If necessary verification is **not** returned by the due date, take appropriate action based on what type of verification was requested. If verification is returned late, the increase must affect the month after verification is returned.

If verification is required or deemed necessary, 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.

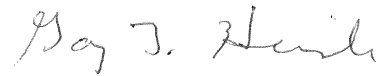
In this case Claimant's Food Assistance Program (FAP) benefits were changed beginning on March 1, 2013. Claimant requested a hearing because she feels the change to her Food Assistance Program (FAP) benefits should have been made for February 2013. Claimant reported the decrease of her income on January 22, 2013. The policy cited above states that the subsequent increase in Claimant's Food Assistance Program (FAP) benefits had to occur 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.

Verification of the reduced income was required. The policy goes on to say 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. Ten days after January 22, 2013 was February 1, 2013. The month after February is March. In accordance with Department policy the subsequent increase in Claimant's Food Assistance Program (FAP) benefits had to occur no later than March 1, 2013. That is the date upon which Claimant's Food Assistance Program (FAP) benefits were increased.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly processed the income change to Claimant Food Assistance Program (FAP) which she reported on January 22, 2013.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.



Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 3/26/13

Date Mailed: 3/26/13

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.

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

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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

GFH/tb

cc:

