

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201330557
Issue No.: 3012
Case No.: [REDACTED]
Hearing Date: March 20, 2013
County: Kent

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 20, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly process the income change from Claimant's loss of employment on December 13, 2012?

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 October 26, 2012, Claimant's case was passed from case worker K. Berlin to case worker A. Bates.
- (3) On December 13, 2012, Claimant's long term employment with Sheldon Cleaners ended.
- (4) On December 14, 2012, at 4:13 pm, Claimant placed a 5 second telephone call to case worker [REDACTED].
- (5) On December 17, 2012, Claimant's case was passed from case worker [REDACTED] to case worker [REDACTED].
- (6) On January 24, 2013, case worker [REDACTED] received a telephone call from Claimant reporting she (Claimant) was no longer working and that

Claimant had contacted her previous case worker because Claimant was not aware that her case had been transferred.

- (7) On February 1, 2013, the Department had all required verifications and updated Claimant's Food Assistance Program (FAP) eligibility by removing the previous earned income. Claimant was sent a Notice of Case Action (DHS-1605) which stated that her Food Assistance Program (FAP) benefits would increase to \$ [REDACTED] per month beginning March 1, 2013.
- (8) On February 12, 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).

In this case Claimant has requested a hearing on the issue of whether her reported loss of income was processed properly by the Department. Specifically Claimant wants to know why her FAP benefits were not increased sooner. Department of Human Services Bridges Administration Manual (BAM) 220 Case Actions (2012) dictates the maximum time allowed to complete a required case action of this type.

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.

Case worker [REDACTED] complied with this requirement. Ten days after January 24, 2013, was February 3, 2013. March was the first allotment issued 10 days after the change was reported to her.

However, Claimant's assertion is that she reported the change on December 14, 2012. The evidence in this record does show that Claimant made a 5 second telephone call to

██████████, one of her previous case workers. Claimant testified that she left a phone message reporting she was no longer employed. There are no facts in evidence that would bring Claimant's veracity into question.

There is also evidence in the record which shows that Claimant's case had not been assigned to ██████████ since October 26, 2012. This Administrative Law Judge also requested the Department submit the record of correspondence sent to Claimant since November 1, 2012. This was requested because all correspondence from the Department lists the client's case worker. Claimant's correspondence record shows that the first correspondence sent to her after November 1, 2011 was the Verification Checklist (DHS Form 3503) and Verification of Employment (DHS Form 38) sent by ██████████ on January 24, 2013.

The evidence in this record shows that Claimant made a reasonable effort to report her change of income within 10 days as required by Department policy. However, the success of Claimant's effort is still her responsibility. There is nothing in Department policy which requires case workers to investigate whether previous clients of theirs still have active cases assigned to other workers. Even though Claimant was not aware her case had been transferred, she was fully capable of following up on her December 14, 2012 phone message before January 24, 2013. Claimant was successful at determining who her current case worker was and making contact with the worker on January 24, 2013. That fact leaves no question that it is possible for assistance recipients to carry out their responsibility to keep DHS apprised of any changes in their circumstances which affect eligibility. Law and policy have always required assistance applicants and recipients to show and verify that they are eligible to receive benefits. The requirement for DHS to assist them only arises when the applicant or recipient requests help.

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 from Claimant's loss of employment on December 13, 2012.

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

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

Date Signed: 3/27/13

Date Mailed: 3/27/13

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

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:

