

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

**IN THE MATTER OF:**



Reg. No.: 20144428  
Issue No.: [REDACTED]  
Case No.: [REDACTED]  
Hearing Date: November 13, 2013  
County: Calhoun

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 13, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

**ISSUE**

Whether the Department of Human Services (Department) properly processed change to the Claimant's countable income?

**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 is an ongoing Food Assistance Program (FAP) recipient.
2. The Claimant participated in a telephone interview with the Department on August 19, 2013.
3. During the interview, the Department discovered that the Claimant was not receiving unemployment compensation benefits.
4. On September 19, 2013, the Department notified the Claimant that his monthly Food Assistance Program (FAP) allotment would increase to [REDACTED].
5. The Department received the Claimant's request for a hearing on September 30, 2013, protesting the amount of his Food Assistance Program (FAP) allotment before September 1, 2013.

## **CONCLUSIONS OF LAW**

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

Food Assistance Program (FAP) recipients have a duty to report changes in their circumstances as specified by Department of Human Services Bridges Administrative Manual (BAM) Item 105. This includes:

Unearned income:

- Starting or stopping a source of unearned income.
- Change in gross monthly income of more than \$50 since the last reported change. Department of Human Services Bridges Administrative Manual (BAM) 105 (October 1, 2013), p 9.

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. Department of Human Services Bridges Eligibility Manual (BEM) 505 (July 1, 2013), p 10.

In this case, the Claimant was an ongoing Food Assistance Program (FAP) recipient when he participated in an interview with the Department on August 19, 2013. During this interview, the Department discovered that the Claimant was no longer receiving unemployment compensation benefits.

On September 19, 2013, the Department notified the Claimant that his monthly Food Assistance Program (FAP) allotment would increase to [REDACTED].

The Claimant argued that he was entitled to retroactive Food Assistance Program (FAP) benefits because he had stopped receiving unemployment compensation benefits for several months.

Although the Department could have discovered that the Claimant's unemployment compensation benefits had ended, this did not relieve the Claimant of his duty to report changes in his circumstances that affected his eligibility to receive benefits, including ending income. The Claimant is not entitled to retroactive benefits that he would have been eligible for if he had made a timely report of the change to his circumstances.

Based on the evidence and testimony available during the hearing, the Department has established that it properly determined the Claimant's eligibility for the Food Assistance Program (FAP).

**DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined the Claimant's Food Assistance Program (FAP) benefits.

Accordingly, the Department's decision is **AFFIRMED**.

/s/ \_\_\_\_\_  
Kevin Scully  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 11/18/2013

Date Mailed: 11/18/2013

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

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The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

KS/sw

cc:

