

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-36157  
Issue No.: 3002, 3008  
Case No.: [REDACTED]  
Hearing Date: October 8, 2014  
County: Muskegon

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**DECISION AFTER REHEARING**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, MCL 400.37, and Mich Admin Code Rule 400.919 and an Order Granting Rehearing that was generated after review of Claimant's request for rehearing/reconsideration of the Hearing Decision generated by the assigned Administrative Law Judge (ALJ) at the conclusion of the hearing conducted on September 5, 2013. The date for a new hearing having been assigned and due notice having been provided, a telephone hearing was conducted from Lansing, Michigan, on October 8, 2014. Claimant appeared and provided testimony. The Department of Human Services (Department) was represented by [REDACTED].

**ISSUE**

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) benefits for July of 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. The Claimant was an ongoing Food Assistance Program (FAP) recipient in July of 2013.
2. The Claimant reported on July 10, 2013, that his unemployment compensation benefits had ended.
3. On August 2, 2014, the Department approved an increase of Food Assistance Program (FAP) benefits to \$ [REDACTED] per month effective September 1, 2014.
4. On August 2, 2014, the Claimant requested a hearing protesting the amount of his Food Assistance Program (FAP) benefits.

5. On September 5, 2013, the Michigan Administrative Hearing System (MAHS) upheld the Department's determination of the Claimant's Food Assistance Program (FAP) benefits.
6. On September 17, 2013, the Claimant requested a rehearing.
7. On September 11, 2014, the Michigan Administrative Hearing System (MAHS) granted a rehearing.
8. On October 8, 2014, the Michigan Administrative Hearing System (MAHS) granted a rehearing.

### **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.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (April 1, 2014), p 5.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (July 1, 2014), pp 1-9.

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, 2014), p 10.

The Claimant was an ongoing Food Assistance Program (FAP) recipient in July of 2014. The Claimant argued that the Department failed to properly determine his benefit level for that month considering that his unemployment compensation benefits had ended on May 11, 2013.

Department records indicate that the Claimant reported his ending unemployment compensation benefits on July 10, 2013.

The Claimant testified that he notified his caseworker of the change in May of 2013.

The Claimant has a duty to notify the Department of changes that could affect his eligibility to receive benefits within ten days of the change. The Department has a duty to implement such a change within ten days provided that the change is verified by the Claimant in a timely manner.

This Administrative Law Judge finds that the Claimant failed to offer substantial evidence supporting his claim that he provided the Department with timely notice of his ending unemployment compensation benefits. The Department established that it was acting in accordance with policy when it processed the reported change received on July 10, 2013.

**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 for July of 2013.

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



---

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

Date Signed: October 13, 2014

Date Mailed: October 13, 2014

**NOTICE:** The law provides that within 30 days of receipt of this decision, the claimant may appeal this decision to the circuit court for the county in which he/she lives.

KS/las

cc:

