

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

**IN THE MATTER OF:**



Reg. No.: 15-009753  
Issue No.: 3004  
Case No.: [REDACTED]  
Hearing Date: July 28, 2015  
County: KENT-DISTRICT 1  
(FRANKLIN)

**ADMINISTRATIVE LAW JUDGE:** Gary Heisler

**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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on July 28, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Health and Human Services (Department) included Family Independence Manager (FIM) [REDACTED].

**ISSUE**

Did the Department properly process Claimant's reported change in income?

**FINDINGS OF FACT**

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

1. Claimant was an ongoing recipient of Food Assistance Program benefits.
2. On May 28, 2015, Claimant reported her earned income had ended.
3. On June 8, 2015, Claimant provided verification of the earned income stopping.
4. On June 9, 2015, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program benefits would increase beginning July 1, 2015.
5. On June 10, 2015, Claimant submitted a hearing request.

**CONCLUSIONS OF LAW**

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Claimant requested the hearing because she feels the Department should have increased her Food Assistance Program benefits beginning in June 2015. Bridges Administration Manual (BAM) 220 Case Actions, at pages 6 & 7, states:

## **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

### **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.

**Example:** Rich reports on March 23rd that he now has a shelter expense. Act on the change by April 2nd. May's benefits will be the first month affected because the 10th day after the change is reported falls in the next benefit period. Affect the April issuance if the action can be completed by March 31<sup>st</sup>.

Neither party disputes that the change was reported on May 28, 2015. Policy requires that the change be acted on by June 7, 2015. During this hearing Claimant testified that her FAP benefits are put on her Electronic Benefit Transfer Card on the 21<sup>st</sup> of the month. The language in BAM 220 was reviewed and the question upon which this case turns is whether Claimant's June FAP benefits were "issued" on June 1<sup>st</sup> or June 21<sup>st</sup>.

Bridges Administration Manual (BAM) 400 Issuance of Program Benefits provides:

## **DEPARTMENT POLICY**

### **Cash, Food and Medical Assistance**

Cash, Food and Medical Benefits are issued to clients based on information entered in Bridges.

This item includes time frames and other instructions to open, change or terminate program benefits.

## **DEFINITIONS**

### **All Programs**

#### ***Cut-off Date***

The last date in which a change can be made to affect the next benefit issuance.

## **FOOD ASSISTANCE BENEFITS**

### **Issuance Systems**

Benefits are issued using the EBT system. Clients have a Michigan Bridge card where their benefits are automatically deposited; see BAM 401E, Electronic Benefit Transfer Issuance System.

### **Changes and Closures**

The cut-off date for a benefit change or case closure is the last workday of the month **before** the month the change/closure takes effect.

The example given in BAM 220, cited above, specifies that if the "10th day after the change is reported falls in the next benefit period" the following month is the first month affected. The example matches the situation in this case and supports the Department's assertion that FAP benefits are issued on the 1<sup>st</sup> of the month.

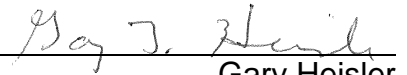
BAM 400 further supports the Department's position by defining the cut-off date as "the last date in which a change can be made to affect the next benefit issuance." BAM 400

further identifies the cut-off date for changes to FAP benefits as “the last workday of the month **before** the month the change takes effect.”

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 processed Claimant’s reported change in income.

**DECISION AND ORDER**

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



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Gary Heisler  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Signed: **8/10/2015**

Date Mailed: **8/10/2015**

GFH / 

**NOTICE OF APPEAL**: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion. MAHS **MAY** grant a party’s Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

cc:

