

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-023199
Issue No.: 3007; 3008
Agency Case No.: [REDACTED]
Hearing Date: February 10, 2016
County: WAYNE-DISTRICT 49

ADMINISTRATIVE LAW JUDGE: Eric Feldman

HEARING DECISION

Following Petitioner'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, an in-person hearing was held on February 10, 2016, from Detroit, Michigan. The Petitioner was represented by Jeff Carroll (Petitioner). The Department was represented by [REDACTED], Eligibility Specialist.

ISSUES

Did the Department properly process Petitioner's submitted Food Assistance Program (FAP) application dated [REDACTED]?

Did the Department properly issue Petitioner's FAP benefits that he eligible to receive for from [REDACTED], ongoing?

FINDINGS OF FACT

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

1. On [REDACTED], Petitioner applied for FAP benefits.
2. On [REDACTED] 5, the Department sent Petitioner a Notice of Case Action notifying him that he was approved for \$71 for the benefit period of [REDACTED] to [REDACTED] (pro-rated), and \$194 for his monthly FAP allotment effective [REDACTED] to [REDACTED]. See Exhibit A, pp. 6-9.
3. The Notice of Case Action also informed Petitioner that based on the last digit of his grantee ID number being "9," his monthly FAP benefits would be deposited

onto his Electronic Benefits Transfer (EBT) card on the 21st of each month. See Exhibit A, p. 7.

4. On [REDACTED], the Department issued Petitioner \$71 in FAP benefits for the benefit period of [REDACTED] to [REDACTED]. See Exhibit A, p. 10.
5. On [REDACTED], Petitioner request a hearing, disputing the Department's action. See Exhibit A, pp. 2-3.

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.

On [REDACTED], Petitioner applied for FAP benefits. [REDACTED], the Department sent Petitioner a Notice of Case Action notifying him that he was approved for \$71 for the benefit period of [REDACTED] to [REDACTED] (pro-rated), and \$194 for his monthly FAP allotment effective [REDACTED] to [REDACTED]. See Exhibit A, pp. 6-9.

In the present case, Petitioner argued that he is entitled to a FAP supplement from on or around [REDACTED] to [REDACTED]. Petitioner testified that he received his initial supplement of \$71 for the benefit period of [REDACTED] to [REDACTED]. Petitioner's dispute, though, is with his ongoing issuance of benefits. Petitioner indicated that he received a \$194 issuance in FAP benefits on [REDACTED], [REDACTED]. The Department claimed that this \$194 issuance in benefits represents the benefit period of [REDACTED] to [REDACTED]. Petitioner, though, appeared to claim that this issuance represents the benefit period from the date of the issuance going forward, which would be from on or around [REDACTED] to mid-January 2016. See Exhibit A, p. 2 (Petitioner's hearing request). Therefore, Petitioner argues that he was deprived of FAP benefits from on or around [REDACTED] to [REDACTED]. Petitioner ultimately argued that the issuance of \$194 should have been done on [REDACTED] and that the Department owes him a supplement from on or around [REDACTED] to [REDACTED]. The undersigned disagrees with the Petitioner's argument for the following reasons:

First, policy states that, for FAP only, the Department prorates benefits for the month of application, beginning with the date of application, when the group is eligible for the application month. BAM 115 (October 2015), p. 26. Except, migrant/seasonal farmworker groups that were active in the Food Assistance Program the month before the date of application are eligible for a full month's benefit. BAM 115, p. 26. This policy applies whether the entire group (or any migrant member of the group) was last active for FAP in Michigan or another state. BAM 115, p. 26.

In this case, Petitioner was not a migrant/seasonal farmworker, therefore, he is not eligible for a full month's of benefits for November 2015. Moreover, Petitioner applied for benefits on [REDACTED] and the Department issued him benefits for a pro-rated amount of \$71 for the benefit period of [REDACTED] to [REDACTED]. See Exhibit A, p. 10 (Petitioner's Benefit Summary Inquiry). The undersigned finds that the Department properly issued Petitioner's benefits that he is entitled to receive for November 2015. As stated above, policy states that FAP benefits are pro-rated for the month of application, beginning with the date of application. In the present case, Petitioner's beginning date of application is [REDACTED], and the Department properly pro-rated the benefits that he was entitled to receive for the month of his application in accordance with Department policy. See BAM 115, p. 26 and BEM 556 (July 2013), p. 6 (the effective date is the date of application if the group is eligible for the application month and benefits are to be prorated (even if the benefit amount prorates to zero)).

Second, the undersigned finds that Petitioner is not entitled to a FAP supplement for the benefit period of [REDACTED] to [REDACTED].

Benefits are issued using the EBT system. BAM 400 (October 2015), p. 5. Clients have a Michigan Bridge card where their benefits are automatically deposited. BAM 400, p. 5. The client's ongoing benefits are issued based on the last digit of the grantee's recipient identification number. BAM 400, p. 5 and see Reference Schedules Manual (RFS) 305 for issuance dates. A table in RFS 305 indicates that if the last digit of the recipient ID # is "9," then the FAP benefits availability date is the 21st. See RFS 305 (June 2014), p. 3. Moreover, all FAP benefits are deposited into the client's EBT food account. BAM 401E (July 2014), p. 10. New openings (including expedited issuances and supplements) are available to clients the day after the client information and benefit authorizations are authorized by the Department's system (Bridges). BAM 401E, p. 10. Ongoing FAP benefits are available on the dates listed in RFS 305, and available on the same day of the month each month. BAM 401E, p. 10. The date depends on the last digit of the client's recipient ID number. BAM 401E, p. 10.

Based on the above information, Petitioner's last digit of his recipient ID number is "9," therefore, his monthly issuance of benefits will be the 21st of each month. See Exhibit A, p. 7 and RF2 305, p. 3. For example, Petitioner was found eligible to receive \$194 each benefit month beginning December of 2015. Because Petitioner's recipient ID number ends with "9," he received his \$194 FAP allotment for the benefit month of December 2015 on December 21, 2015. See Exhibit A, p. 10 (Petitioner's Benefit Summary Inquiry). Therefore, the Department properly issued Petitioner's FAP benefits for the month of

December 2015 in accordance with Department policy. The evidence established that the Department is properly issuing Petitioner's monthly FAP benefits that he is entitled to receive on the 21st of each month. Petitioner has no lapse in FAP coverage and is not entitled to a supplement.

It should be noted Petitioner presented an excerpt of 7 U.S.C. Section 2017(a) to (c) (Value of allotment) claiming that it supported his argument. See Exhibit 1, p. 1. However, the undersigned finds that the law Petitioner was citing actually supported the Department's argument in that it properly issued his allotment in accordance with Department policy and federal law and regulations. As such, the evidence established that (i) the Department properly processed Petitioner's FAP application dated [REDACTED], in accordance with Department policy; and (ii) the Department properly issued Petitioner's FAP benefits that he eligible to receive for from [REDACTED], ongoing.

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 (i) the Department properly processed Petitioner's FAP application dated [REDACTED], in accordance with Department policy; and (ii) the Department properly issued Petitioner's FAP benefits that he eligible to receive for from [REDACTED], ongoing.

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



Eric Feldman
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **February 12, 2016**

Date Mailed: **February 12, 2016**

EF / hw

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:

