



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR



Date Mailed: December 27, 2016
MAHS Docket No.: 16-017470
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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, a telephone hearing was held on December 21, 2016, from Lansing, Michigan. Petitioner was represented by himself. The Department was represented by Hearing Facilitator [REDACTED] Department's Exhibit A, pages 1-49 was admitted into evidence.

ISSUE

Did the Department properly process the changes reported by Petitioner on October 11, 2016?

FINDINGS OF FACT

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

1. Petitioner was an ongoing recipient of Food Assistance Program (FAP) benefits as a group member of his spouse's benefit group. The benefit group included Petitioner, Petitioner's spouse and their son.
2. On October 11, 2016, Petitioner submitted documentation from the [REDACTED] County Circuit Court Family Division. The documentation include an unsigned order regarding custody of Petitioner's son. Department Exhibit A pages 6-14.
3. On October 17, 2016, Food Assistance Program (FAP) benefits were issued to Petitioner's spouse for the benefit group of three.

4. On October 21, 2016, Petitioner submitted an application for Food Assistance Program (FAP) benefits. Petitioner indicated the new benefit group was himself and his son.
5. On October 31, 2016, Petitioner was sent a Notice of Case Action (DHHS-1605) which stated he was denied Food Assistance Program (FAP) benefits for the period October 21-31, 2016 because he and his son were members of another FAP benefit group. Petitioner was determined eligible for Food Assistance Program (FAP) benefits for himself and his son from November 1, 2016 ongoing.
6. On November 16, 2016, Petitioner 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.

Petitioner requested this hearing because he believes he should have received October Food Assistance Program (FAP) benefit for himself and his son. Petitioner testified that he thought his wife would be taken off the case when he turned in the Court documentation and the case would remain open with just himself and his son in the group. Petitioner asserts that the Department case worker did not tell him he had to submit an application until later in the month of October.

The document's Petitioner submitted on October 11, 2016 are properly classified as changes being reported about the Food Assistance Program (FAP) under Petitioner's spouse's name.

Bridges Administration Manual (BAM) 220 Case Actions (10-1-2016) stated:

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.

Change Reported Via Tape Matches

All Programs

Case actions resulting from changes reported via tape match (BENDEX, SDX, IRS, enumeration, etc.) must be completed within 45 days of receiving the information.

It is a best practice to resolve information obtained from a State New Hires report and/or a National Directory of New Hires report within 21 calendar days from the date the match is reported to the specialist.

All Other Reported Changes

FIP, RCA, SDA, CDC and MA

Act on a change reported by means other than a tape match within 15 workdays after becoming aware of the change.

FAP Only

Act on a change reported by means other than a tape match within 10 days of becoming aware of the change.

EFFECTIVE DATE OF CHANGE

All Programs

Bridges evaluates the following dates entered in data collection to determine positive action dates, negative action dates and effective dates:

- Circumstance start/change date.
- Reported on.
- Verification received on.
- Date client became aware.

FAP Only

For non-income changes, complete the FAP eligibility determination and required case actions in time to affect the benefit month that occurs 10 days after the change is reported. See BEM 212, Food Assistance Program Group Composition, and BEM 550, FAP Income Budgeting, for policy regarding effective dates for member adds. The benefit month **cannot** be earlier than the month of the change.

The Department complied with the standard of promptness cited above for the reported changes. The changes were reported/verified on October 11, 2016. BAM 220 requires that the Department act on the changes within 10 days which was October 21, 2016.

Bridges Administration Manual (BAM) 105 Rights and Responsibilities 10/1/2016
states:

LOCAL OFFICE RESPONSIBILITIES

All Programs

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignity and respect by all MDHHS employees.

Informing the Client

All Programs

Inform people who inquire about:

- The MDHHS programs available, including domestic violence comprehensive services.

- Their right to apply.

Provide specific eligibility information on all programs in which they are interested. The DHS-1171, Assistance Application Information Booklet, contains information about programs, services, rights and responsibilities.

The local office is **not** expected to:

- Provide estate planning advice.

- Provide funeral planning advice.

- Determine the effect on eligibility of proposed financial arrangements such as a proposed trust.

See BEM 100 regarding public access to policy information.

FAP Only

Local offices must prominently display the following posters:

- DHS Pub. 521, Your Rights and Responsibilities in the Food Assistance Program.

- DHS Pub. 716, Expedited Food Assistance Benefits.

- DHS Pub. 765, Right to Apply.

- Pub. AD475B, And Justice for All.

- DHS Pub. 788, Home Heating Credit Notice.

Assisting the Client

All Programs

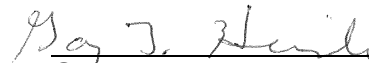
The local office must assist clients who ask for help in completing forms, ~~or~~ gathering verifications, and/or understanding written correspondence sent from the department. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English.

The Department case workers' actions are not in conflict with responsibilities identified in Department policy. 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 the changes reported by Petitioner on October 11, 2016.

DECISION AND ORDER

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

GH/nr



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

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

Authorized Hearing Rep.

[REDACTED]

Petitioner

[REDACTED]