



RICK SNYDER  
GOVERNOR

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

MIKE ZIMMER  
DIRECTOR



Date Mailed: March 11, 2016  
MAHS Docket No.: 16-000794  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

### **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 March 9, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], hearing facilitator.

### **ISSUE**

The issue is whether MDHHS properly processed a reported income decrease change concerning Petitioner's Food Assistance Program (FAP) eligibility.

### **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 FAP benefit recipient.
2. Petitioner received ongoing employment income.
3. On [REDACTED], Petitioner reported and verified a temporary stoppage in employment income.
4. On [REDACTED], MDHHS issued a Notice of Case Action (Exhibit 1, pp. 1-4) stating Petitioner was eligible for \$357, effective November 2015, in part, based on \$0 earned income.

5. On [REDACTED], Petitioner requested a hearing to dispute the failure by MDHHS to process her reported change for October 2015.

### **CONCLUSIONS OF LAW**

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. MDHHS (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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute the amount of her FAP eligibility. Petitioner alleged MDHHS improperly failed to process a reported and verified decrease in income. It was not disputed MDHHS processed Petitioner's income decrease beginning November 2015. Petitioner testimony contended MDHHS should have processed the change one month earlier.

[For FAP benefits,] 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. BEM 505 (July 2015), p. 10. Do not process a change for a month earlier than the month the change occurred. A supplement may be necessary in some cases. *Id.*

MDHHS policy is not known to define "first allotment." It has been traditionally interpreted to refer to the first of the month, regardless of what date a client's FAP benefits are issued. The traditional interpretation of "first allotment" will be applied to the present case.

It was not disputed that Petitioner reported to MDHHS on [REDACTED], that she was not working. MDHHS conceded Petitioner timely verified her statement by submitting an employer statement and medical records. MDHHS was prepared to concede that Petitioner's reporting and verification justified a change to affect October 2015; the concession was premature.

[REDACTED] is the date that is 10 days following Petitioner's reporting date. The first FAP allotment after [REDACTED], would be Petitioner's FAP issuance for November 2015. Thus, Petitioner is not entitled to a change in FAP benefits for October 2015. It is found that MDHHS properly processed Petitioner's employment income change.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly processed Petitioner's reported change in employment income to become effective November 2015. The actions taken by MDHHS are **AFFIRMED**.

CG/hw



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**Christian Gardocki**  
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]

[REDACTED]

**Petitioner**

[REDACTED]