



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: April 11, 2016
MAHS Docket No.: 16-002403

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 April 5, 2016, from Lansing, Michigan. Petitioner personally appeared and testified. The Department of Health and Human Services (Department) was represented by Assistance Payment Supervisor [REDACTED]

ISSUE

Did the Department properly increase Petitioner's Food Assistance Program (FAP) benefits in February, 2016 instead of January, 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. The Department submitted Exhibit A, pages 1-10 into evidence without objection. (Dept. Exh. A, pp 1-10).
2. On December 1, 2015, the Department issued Petitioner a Semi-Annual Contact Report due on January 1, 2016. (Dept. Exh. A, pp 1-2).
3. On December 24, 2016, the Department timely received the Semi-Annual Contact Report and proof that Petitioner's last paycheck was December 11, 2015. (Dept. Exh. A, pp 1-4).

4. On January 29, 2016, the Department issued a Notice of Case Action informing Petitioner that as of February 1, 2016, her FAP benefits were approved for [REDACTED] a month. (Dept. Exh. A, pp 5-6).
5. On February 23, 2016, Petitioner submitted a Request for Hearing asking why her FAP benefits were not increased until February, 2016 based on a job loss, when she reported and verified that job loss on December 28, 2015.

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.

Verifications are presumed to be timely if received by the date they are due. BAM 130, p 7 (1/1/2016). For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of transmission is the receipt date. *Id.* Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a MDHHS representative are considered to be received the next business day. *Id.*

Clients must report changes in circumstance that potentially affect eligibility or benefit amount. BAM 105, p 12 (4/1/2016). Changes must be reported within 10 days of receiving the first payment reflecting the change. *Id.* Income reporting requirements are limited to the following:

- Earned income:

- Starting or stopping employment.
- Changing employers.
- Change in rate of pay.
- Change in work hours of more than five hours per week that is expected to continue for more than one month. BAM 105, p 12 (4/1/2016).

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. BAM 220, p 7 (4/1/2016). A supplemental issuance may be necessary in some cases. *Id.*

The Department provides an example where a client reports on March 23rd that she now has a shelter expense. *Id.* The Department must act on the change by April 2nd. *Id.* The month of May's benefits will be the first month affected because the 10th day after the change is reported falls in the next benefit period. *Id.* The April issuance is only affected if the action can be completed by March 31st. *Id.*

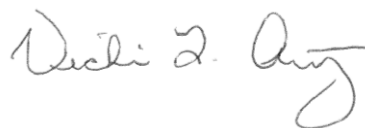
In this case, Petitioner last worked on November 24, 2015. She received her last paycheck on December 11, 2015. Petitioner testified that she was aware of the 10 day reporting requirement for ending employment, but waited to submit the documentation of her job loss along with her Semi-Annual Contact Report on December 24, 2015. Because Petitioner faxed proof of her job loss with her Semi-Annual Contact Report on December 24, 2015, the date of receipt for Departmental purposes is December 24, 2015. BAM 130, p 7 (1/1/2016).

Similar to the Department's example, because Petitioner reported her loss of employment on December 24, 2015, the Department had until January 3rd to act on the change. February's benefits would be the first month affected because the 10th day after the change is reported falls in the next benefit period. The January issuance would only have been increased if the Department had completed the change by December 31, 2015. The Department did not act on the change until January 29, 2016. Therefore, the Department properly increased Petitioner's FAP benefits beginning the month of February, in accord with 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, finds that the Department acted in accordance with Department policy when it increased Petitioner's FAP benefits beginning February 1, 2016.

DECISION AND ORDER

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



VLA/db

Vicki Armstrong
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

