



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: April 6, 2016
MAHS Docket No.: 16-002528
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 4, 2016, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] PATH Family Independence Specialist Worker.

ISSUE

Did the Department properly add the Petitioner's new group members to the Family Independence Program (FIP) and Food Assistance Program (FAP) group?

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 Petitioner was an ongoing recipient of FIP and FAP benefits.
2. The Petitioner gave birth to twins on [REDACTED]. The twins were added to her FIP and FAP cases by Notice of Case Action dated [REDACTED], effective [REDACTED].
3. The Department received a Redetermination from the Petitioner for her Medical Assistance (MA) case on [REDACTED], advising the Department and verifying the birth of Petitioner's twins. Exhibit 1.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

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.

In this case, the Department added the Petitioner's newborn twins to her FIP and FAP group effective [REDACTED], based upon a verification provided by Petitioner as part of her MA Redetermination. The Petitioner testified that she scanned verification of the birth of her twins to the Department on [REDACTED]. The Department's electronic case file has no record of receiving the scanned verification. Exhibit 1. The Petitioner did not provide any computer record at the hearing evidencing that she scanned the verification of the birth of her twins. The electronic case file has no record or notice of the birth of the twins until [REDACTED]. Exhibit 1.

In this case, since there was no electronic case file record of the Petitioner's report of the birth of her twins to the Department to add them to her FIP and FAP groups, and Petitioner had no electronic proof of scanning the proofs to the Department on [REDACTED], it is determined no proofs were received prior to [REDACTED], when the birth of the twins was reported at MA Redetermination. The Department added the two children to the Petitioner's FIP and FAP cases effective [REDACTED]. Thus, the only issue remaining to be determined is whether the Department correctly determined when the member adds to the FIP and MA group should be effective. Department policy provides:

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.

Example: A \$30 shelter increase reported on May 15th would increase the household's June allotment. If the same increase were reported on May 28, the household's allotment would have to be increased **by** July. (The 10th day following May 28 would be June 7.) However, the first month we **can** affect is June, provided the action on the shelter change is completed by May 31st. BAM 220 (April 1, 2016), p. 10

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.

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 31st. BAM 220, p. 7.

BEM 550 regarding **FAP** group member adds provides:

A **member add** that increases benefits is effective the month **after** it is reported **or**, if the new member left another group, the month after the member delete. In determining the

potential FAP benefit increase, Bridges assumes the FIP/SDA supplement and new grant amount have been authorized. BEM 550 (October 1, 2015), p. 4

For **FIP** group member adds BEM 515 provides:

Bridges will reflect changes reported late as follows:

- For member additions resulting in a grant increase, reflect the change in the month after the month the change is reported. BEM 515, (October 1, 2015) p. 4.
- **Example 4:** On October 8, the group reports that a member joined the group on August 23. (Reported late.) The change results in a grant increase which you process on October 13 to affect November benefits. October benefits are **not** increased. (Affect month after change is reported.) BEM 515, p. 4-5.


Based upon Department policy referenced above, the Department correctly completed the addition of the two group member for FIP and FAP in February, the month after the Department knew about the change.

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 added the Petitioner's two newborn twins to the FIP and FAP groups effective [REDACTED].

DECISION AND ORDER

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

LMF/jaf



Lynn M. Ferris
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]

Petitioner

[REDACTED]

cc:

[REDACTED]