



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 21, 2016
MAHS Docket No.: 16-003100
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 13, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED]

ISSUE

Did the Department properly determine Petitioner's FAP benefits?

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 receiving \$ [REDACTED] in FAP benefits.
2. On September 1, 2015, Petitioner's FAP benefits were reduced to \$ [REDACTED] per month.
3. Petitioner received \$ [REDACTED] in FAP benefits in November 2015, December 2015 and January 2016.
4. Petitioner began working at [REDACTED] in January 2016.
5. On February 1, 2016, Petitioner's FAP benefits were reduced to \$ [REDACTED] per month.
6. Petitioner requested hearing on March 5, 2016, contesting the determination of her FAP benefits.

7. On November 9, 2015, Petitioner provided a hand written statement that her employment with [REDACTED] ended on September 25, 2015.
8. On February 2, 2016, Petitioner provided a letter from [REDACTED] confirming that she no longer worked for [REDACTED].
9. On December 7, 2015, Petitioner provided a semi-annual contact report where she reported no income.

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.

Deadlines for Requesting a Hearing All Programs

The client or AHR has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received in the local office within the 90 days; see Where to File a Hearing Request, found in this item. BAM 600

In this case, Petitioner raised issues with her FAP benefits going back to September 2015. It was explained that the undersigned Administrative Law Judge only has jurisdiction to address issues that arose within 90 days of the request for hearing. BAM 600 Petitioner requested hearing on March 5, 2016, so the Department's actions going back to December 6, 2015, will be reviewed. On December 7, 2015, Petitioner submitted a semi-annual contact report that stated that her income was "\$0". No verifications confirming the stopped employment income were provided with the semi-annual contact report as instructed on the form. A verification checklist was sent to Petitioner on January 27, 2016, requesting verification of loss of employment and updated income information. On February 2, 2016, [REDACTED] from [REDACTED] submitted a letter confirming that Petitioner's employment with [REDACTED] ended in September 2014. On February 26, 2016, Petitioner provided pay stubs from her new job at [REDACTED]. This information was budgeted resulting in the \$ [REDACTED] per month in FAP benefits effective February 1, 2016. The Department actions were consistent with Department policy and therefore were proper and correct.

Petitioner testified that she provided the proof of stopped employment well before December 2015 and questioned why the employment income continued to be included in the budget. As stated previously, the Department action prior to December 2015 cannot be addressed in this hearing because of the lack of jurisdiction because they occurred more than 90 days prior to the request for hearing.

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 determined Petitioner's FAP benefits.

DECISION AND ORDER

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

AM/las



Aaron McClintic

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]