



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: May 26, 2017  
MAHS Docket No.: 17-005211  
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 [REDACTED] [REDACTED] from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Eligibility Specialist.

### **ISSUE**

Did the Department properly calculate the Petitioner's Food Assistance Program (FAP) based upon the employment information available?

### **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 is an ongoing FAP recipient.
2. The Petitioner lost her employment in [REDACTED] and advised the Department at redetermination that she no longer had employment income.
3. The Department issued a verification of employment based upon the information reported in the redetermination on [REDACTED] with a due date of [REDACTED] [REDACTED]. The Petitioner returned the verification on [REDACTED] and the Department correctly recalculated the Petitioner's FAP benefits for [REDACTED] due to a decrease in income as Petitioner was no longer employed. [Exhibits A and B.]

4. The Department sent a Notice of Case Action on [REDACTED], increasing the Petitioner's FAP benefits of \$ [REDACTED]
5. After losing her employment, the Petitioner filed a change report and submitted a verification to her employer to verify that she had lost her employment. The Department never received the verification from the employer.
6. The Petitioner requested a timely hearing on [REDACTED], protesting the Department's actions.

### **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.

In this case, the Department correctly increased the Petitioner's FAP benefits after it received a verification of employment from the Petitioner on [REDACTED] which established that she was no longer working. [Exhibits A and B.] The Petitioner had completed a redetermination on [REDACTED], advising the Department that her employment had ended. In her hearing request, the Petitioner also sought an explanation why the issuance amounts for FAP were different than what was loaded to Petitioner's Electronic Benefits Transfer (EBT) FAP benefit card. At the hearing, this issue was resolved for [REDACTED] through [REDACTED] after the FAP Benefit Issuance Summary was reviewed with the Petitioner; and she confirmed that the amount of the Benefit Summary Inquiry was correct and matched EBT FAP benefits loaded to her card. [Exhibit D.]

At the hearing, the Petitioner wanted the Department to increase her benefits for an earlier date based upon loss of her job on [REDACTED], and a verification which she had requested that the employer provide which was never provided by the employer to the Department. The Department caseworker testified that she did not receive any verification except the one received on [REDACTED], and therefore, could not adjust the FAP benefits until [REDACTED]. The Department further credibly testified that the Petitioner did not ask for assistance with the verifications or request that she call the employer. The Petitioner sought the verifications on her own by obtaining a form from the local office front desk.

An FAP budget must be completed when the Department is made aware of or the client reports a change in income that will affect eligibility or benefit level. Once a change is reported the income must be converted to a standard monthly amount. BEM 505 (January 1, 2017), p. 11.

In this case the Petitioner had and reported an income decrease. Department policy provides:

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. Do **not** process a change for a month earlier than the month the change occurred. A supplement may be necessary in some cases. BEM 505 (January 1, 2017), p. 11-12.

In this case the verification was received by the Department on [REDACTED]; and thus, the Department correctly increased the Petitioner's benefits for [REDACTED], as the benefits could not be increased for [REDACTED], the month the verification was received.

### **DECISION AND ORDER**

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 Petitioner's change (decrease) in income for [REDACTED].

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

LMF/jaf



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**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

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**DHHS**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]