



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: May 8, 2017
MAHS Docket No.: 17-002500
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 May 2, 2017, from Lansing, Michigan. Petitioner was represented by himself. The Department was represented by Assistance Payment Worker [REDACTED] [REDACTED] and Family Independence Manager [REDACTED] [REDACTED].

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility for January 2017?

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 recipient of Food Assistance Program (FAP) benefits. Petitioner's benefit group consisted of himself and his son. Petitioner was receiving \$ [REDACTED] of Unemployment Compensation benefits every two weeks and his son received \$ [REDACTED] of Retirement, Survivor, Disability Income (RSDI) benefits per month. The Food Assistance Program (FAP) financial eligibility budget (Department Exhibit A pages 27- 29) shows that Respondent was receiving \$ [REDACTED] per month of Food Assistance Program (FAP) benefits based on unearned income of \$ [REDACTED] per month.

2. On December 9, 2016, Petitioner reported that he was offered a job at [REDACTED] LLC to work 20 hours per week at \$ [REDACTED] per hour. Petitioner was provided a Verification of Employment (DHS-38) form for [REDACTED] to fill out.
3. On December 10, 2016, Petitioner's received his last Unemployment Compensation payment.
4. On December 29, 2016, Petitioner was sent a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) would close beginning February 1, 2017.
5. On January 9, 2017, Petitioner reported that he began working 32 hours per week at [REDACTED] and was no longer receiving Unemployment Compensation benefits. Petitioner also submitted a Verification of Employment (DHS-38) from [REDACTED] which stated that he began employment there on December 27, 2016 working 32 hours per week for \$ [REDACTED] per hour and that his first paycheck would be on January 13, 2017. (Department Exhibit A pages 14 & 15)
6. On January 19, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated he was eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits beginning February 1, 2017. The Food Assistance Program (FAP) financial eligibility budget for that eligibility determination (Department Exhibit A pages 32 - 34) shows it is based on \$ [REDACTED] of earned income and \$ [REDACTED] of unearned income.
7. On February 9, 2017, the Department local office filed a ticket to address Petitioner's Food Assistance Program (FAP) eligibility for January 2017.
8. On February 17, 2017, the programing error was resolved and Petitioner's Food Assistance Program (FAP) was certified for \$ [REDACTED] per month effective January 1, 2017.
9. On February 13, 2017, Petitioner submitted a Verification of Employment (DHS-38) from [REDACTED] which indicated that Petitioner did not begin work there.
10. On February 13, 2017, Petitioner submitted a hearing request regarding his Food Assistance Program (FAP) eligibility of \$ [REDACTED] per month for January 2017 ongoing.
11. On March 15, 2017, Petitioner submitted a letter and Verification of Employment (DHS-38) from [REDACTED]. The letter states that [REDACTED] was an affiliate marketing company of [REDACTED] and they "understand that he did not pay his employees in January and he shut the office on Monday January 16th 2017." The Verification of Employment (DHS-38) form was signed by [REDACTED] on February 27, 2017. It states that Petitioner began employment on 1-20-17 as a call center rep and works 40 hours per week for \$ [REDACTED] per hour. The date of first paycheck was originally written as 1-18-17 and has been written over to show 2-10-17. (Department Exhibit B pages 9 – 11)

12. At this hearing Petitioner stated that he no longer disputes the Food Assistance Program (FAP) eligibility for February 2017 ongoing but does dispute receiving only \$ [REDACTED] for January 2017.

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.

During this hearing Petitioner continually argued that he did not receive any income from either [REDACTED] so his benefits for January should have been more. The Food Assistance Program (FAP) financial eligibility budget does not contain any earned income from [REDACTED]. The Department's eligibility determination of \$ [REDACTED] per month is based on his undisputed income from [REDACTED] and his sons RSDI. The earned income calculation is correct in accordance with Bridges Eligibility Manual (BEM) 505 Prospective Budgeting/Income Change Processing. The Department submitted an SOLQ which shows that Petitioner is the payee for his son's \$ [REDACTED] monthly RSDI payment.

The additional evidence which Petitioner submitted to the Department on March 15, 2017 consists of a letter and Verification of Employment (DHS-38) from [REDACTED]. (Department Exhibit B pages 9 – 11) The letter states that [REDACTED] was an affiliate marketing company of [REDACTED] and they "understand that he did not pay his employees in January and he shut the office on Monday January 16th 2017." The Verification of Employment (DHS-38) form was signed by [REDACTED] on February 27, 2017. It states that Petitioner began permanent employment on 1-20-17 as a call center rep, works 40 hours per week for \$ [REDACTED] per hour and is paid every two weeks on Friday. The date of first paycheck was originally written as 1-13-17 and has been written over to show 2-10-17. The information is inconsistent. If Petitioner began working for [REDACTED] on Friday 1-20-17 his first paycheck would have been on Friday 2-2-17.

The Verification of Employment (DHS-38) which Petitioner submitted on January 9, 2017, from MB Information Group stated that Petitioner was temporarily employed as a sales rep, began employment 12-27-16, and was paid every two weeks on Friday. While the form was signed on January 5, 2017, the first paycheck was listed as Friday 1-13-17.

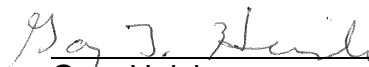
The additional evidence submitted does not convince this Administrative Law Judge that Petitioner did not receive any earned income during January 2017.

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 Food Assistance Program (FAP) eligibility for January 2017.

DECISION AND ORDER

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

GH/nr



Gary Heisler
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]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]