



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: [REDACTED] May 19, 2017
MAHS Docket No.: 17-004715
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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], from [REDACTED], Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED], [REDACTED], Family Independence Manager/Hearing Facilitator, and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's eligibility for the Food Assistance Program (FAP) based on the timely verifications provided by Petitioner?

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 a recipient of FAP benefits.
2. On [REDACTED], the Department Caseworker processed a decrease in FAP benefits, due to an increase in earned income from employment, to \$ [REDACTED] for the month of [REDACTED], \$ [REDACTED] for [REDACTED], and \$ [REDACTED] for [REDACTED], and sent a notice to Petitioner. Department Exhibit 1, pgs. 5-10.

3. On [REDACTED], the Department Caseworker sent Petitioner a Quick Note, DHS 100, to inform Petitioner that if and when his income ended that he should provide documentation to her so that his FAP case could be updated. Department Exhibit 1, pg. 11.
4. On [REDACTED], the Department Caseworker received written verification that Petitioner was no longer employed from a signed note from his employer dated [REDACTED]. Department Exhibit 1, pg. 12.
5. On [REDACTED], the Department Caseworker removed his earned income and his FAP benefits increased to \$ [REDACTED] for the month of [REDACTED], then sent Petitioner a Notice of Case Action, DHS 1605. Department Exhibit 1, pgs. 14-18.
6. On [REDACTED], the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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 [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, Petitioner was a recipient of FAP benefits. On [REDACTED], the Department Caseworker processed a decrease in FAP benefits, due to an increase in earned income from employment, to \$ [REDACTED] for the month of [REDACTED], \$ [REDACTED] for [REDACTED], and \$ [REDACTED] for [REDACTED], and sent a notice to Petitioner. Department Exhibit 1, pgs. 5-10. On [REDACTED], the Department Caseworker sent Petitioner a Quick Note, DHS 100, to inform Petitioner that if and when his income ended that he should provide documentation to her so that his FAP case could be updated. Department Exhibit 1, pg. 11.

On [REDACTED], the Department Caseworker received written verification that Petitioner was no longer employed from a signed note from his employer dated [REDACTED]. Department Exhibit 1, pg. 12. On [REDACTED], the Department Caseworker removed his earned income and his FAP benefits increased to \$ [REDACTED] for the month of [REDACTED], then sent Petitioner a Notice of Case Action, DHS 1605. Department Exhibit 1, pgs. 14-18. On [REDACTED], the Department

received a hearing request from Petitioner, contesting the Department's negative action. BEM 500. BAM 115.

BAM 220, pages 10-11

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.

PROCESSING CHANGES

All Programs

Enter all changes in Bridges by changing the affected data elements. Certify the eligibility results in Bridges for all appropriate benefits and benefit periods.

During the hearing, Petitioner stated that he quit his job in [REDACTED], but he forgot to turn in the written verification until [REDACTED]. The Department Caseworker stated that policy only allows her to remove the income when she receives notice that the employment had ended. Petitioner did not inform her that the income had ended until he submitted the letter on [REDACTED]. In addition, Department Policy does not allow her to make it retroactive to [REDACTED], because Petitioner did not inform the Department of the decrease in income until [REDACTED]. This Administrative Law Judge finds that the Department properly determined Petitioner's eligibility for FAP benefits after they received verification that his employment had ended on [REDACTED], which affected his FAP benefits in [REDACTED], for an increase to \$ [REDACTED] when the income was removed.

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 determined that Petitioner had provided written verification on [REDACTED], that his employment had ended resulting in an increase in FAP benefits to \$ [REDACTED] effective [REDACTED].

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

CF/bb



Carmen G. Fahie
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]