



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: June 28, 2017  
MAHS Docket No.: 17-006735  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Denise McNulty

### **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 June 28, 2017, from Lansing, Michigan. The Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Family Independence Manager.

### **ISSUE**

Did the Department properly calculate Petitioner's Food Assistance Program (FAP) benefits for June 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 FAP benefits. [Exhibit A, p. 1.]
2. In April 2017, Petitioner reported a change in her employment status to the Department. [Exhibit A, p. 16.]
3. The Department requested Petitioner complete the verification of employment (DHS 38) form to aid in the determination of her benefits.
4. Petitioner submitted the completed form indicating that she was a "casual" employee without any work hours being specified. The form indicated Petitioner

had wages for two pay periods and did not specify that the wages had ceased or changed. [Exhibit A, pp. 20-21.]

5. In connection with verification of employment, the Department sent Petitioner a May 1, 2017 Notice of Case Action informing her that she was approved for monthly FAP benefits of \$ [REDACTED] [Exhibit A, pp. 22-25.]
6. On May 15, 2017, the Department received Petitioner's hearing request disputing the reduction of her monthly FAP benefits from \$ [REDACTED] to \$ [REDACTED]
7. On May 16, 2017, the Department sent Petitioner a Notice of Case Action informing her that she was approved for monthly FAP benefits of \$ [REDACTED]. The Department sent Petitioner another verification of employment form on May 18, 2017. [Exhibit A, pp. 27-30, 33-34.]
8. On May 31, 2017, Petitioner submitted a completed verification form documenting that she had zero income going forward. The Department completed a new budget for Petitioner and she has been approved for monthly FAP benefits of \$ [REDACTED] for the time period of July 1, 2017 ongoing.

### **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, prompted by a report of change, the Department issued a verification of employment form to Petitioner. Based on the returned information the Department determined the approved FAP benefit amount of \$ [REDACTED] for the month of June 2017-ongoing. On May 15, 2017, Petitioner requested a hearing disputing the FAP benefit amount. Subsequent to Petitioner's request her benefit amount was changed to \$ [REDACTED] per month based on her wage information.

On May 31, 2017, Petitioner submitted further documentation to the Department regarding her earnings. Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM 130 (April 1, 2017) p. 1. The documentation Petitioner provided to the Department indicated that she had zero income. Since the reported change would impact Petitioner's monthly FAP benefit

amount the Department completed another budget with the new information. The Department had 10 days to process the reported change. When a client notifies the Department of a change the Department is required to address same within 10 days. BAM 200 (July 1, 2017), p. 4. The client is required to obtain and provide the verification requested by the Department for determination of their eligibility for benefits. BAM 130 (April 1, 2017), p. 3. The Department processed the reported changes within ten days and notified Petitioner of any change in her benefit amounts promptly. Although the Department timely processed the May 31, 2017, reported change, it was not processed in May 2017 and therefore the June 2017 FAP benefit amount was not impacted. The first benefit month occurring after the processed May 31, 2017, reported change would be July 2017. BAM 220 (July 2016), p. 8.

The Department processed the early-May 2017 reported changes timely. In the budget for June 2017 Petitioner was provided all of the proper deductions: (i) earned income, (ii) standard, and (iii) heat/utility standard in determining her monthly income for FAP purposes. Petitioner is a household of one. The Department properly applied policy when it determined that based on an income of \$ [REDACTED] that Petitioner was eligible for \$ [REDACTED] in monthly FAP benefits for June 2017.

Since the Department processed Petitioner's verified change in income within 10 days it acted in accordance with policy when it determined Petitioner's June 2017 FAP benefits.

#### **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 Petitioner's FAP benefits for June 2017.

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



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Denise McNulty  
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]