



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: July 10, 2017
MAHS Docket No.: 17-007033
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 June 29, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Family Independence Manager [REDACTED]

ISSUE

Did the Department properly process Petitioner's April 4, 2017 Food Assistance Program (FAP) application and determine the correct eligibility for May 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. On April 4, 2017, Petitioner submitted an application for Food Assistance Program (FAP), Child Development and Care (CDC) and Medical Assistance (MA) benefits. On the application Petitioner indicated she was employed and expected the employment to continue for the next 30 days. (Department Exhibit A page 27)
2. On April 7, 2017, Petitioner sent an Email to [REDACTED] a case worker who had handled her previous assistance cases. Her application was assigned to [REDACTED] not [REDACTED]
3. On April 10, 2017, Petitioner was sent a Verification Checklist (DHS-3503) which requested verification of her last 30 days of earnings.

4. April 14, 2017, was Petitioner's last day of employment.
5. On April 21, 2017, Petitioner received her last pay check from employment.
6. On May 1, 2017, the Department received verification of Petitioner's pay checks for March 11, 18, and 31, 2017 and April 7, 2017.
7. On May 2, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated she was approved for \$ [REDACTED] of Food Assistance Program (FAP) benefits for the period April 4 – 30, 2017 and \$ [REDACTED] per month from May 1, 2017 ongoing.
8. On May 3, 2017, Petitioner sent an Email to [REDACTED] [REDACTED] which stated the last day of her employment contract had been April 16, 2017. (Department Exhibit A page 55)
9. On May 5, 2017, Petitioner and [REDACTED] [REDACTED] exchanged several Emails. (Department Exhibit A pages 53 & 54) Petitioner indicated that her budget was incorrect on the May 2, 2017 Notice of Case Action (DHS-1605). [REDACTED] [REDACTED] informed Petitioner that no verification of her income ending had been received.
10. On May 10, 2017, the Department received verification that Petitioner was no longer employed.
11. On May 12, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) benefits were increasing to \$ [REDACTED] beginning June 1, 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.

Petitioner asserts that her she had no income in May so her Food Assistance Program (FAP) benefits for May should have been more. Petitioner testified that she told the Department her employment was going to end. Telling the Department something is **going** to change does not allow the Department to make the change. Petitioner's signature of the affidavit in an Assistance Application (DHS-1171) serves to certify that she received notice of all reporting requirements. A change cannot be reported until after it actually happens. In this case Petitioner received her last pay check from

employment on April 21, 2017. The only evidence in the record showing that Petitioner reported her employment had ended, is from May 3, 2017.

Bridges Administration Manual (BAM) 115 Application Processing provides a 29 calendar day standard of promptness for Food Assistance Program (FAP) applications. Petitioner's FAP application was approved on May 2, 2017 based on the information which Petitioner had provided. Since the Department was not informed that her employment had ended until May 3, 2017, that information was a reported change.

Bridges Administration Manual (BAM) 220 Case Actions provides a 10 day standard of promptness for changes reported for a Food Assistance Program (FAP) case. It specifies that for changes which result in an increase in the household's benefits, the change must be effective no later than the first allotment issued 10 days after the date the change was reported, provided any necessary verification was returned by the due date.

Loss of employment requires verification. That verification was submitted to the Department on May 10, 2017. Applying the requirements of BAM 220, Petitioner's change of income had to be effective by the first allotment after May 13. Petitioner's first allotment after May 13, 2017, was June 3, 2017. The increase in Petitioner's Food Assistance Program (FAP) benefits was effective beginning June 1, 2017. Petitioner was sent a Notice of Case Action (DHS-1605) regarding the change on May 12, 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 processed Petitioner's April 4, 2017 Food Assistance Program (FAP) application and determined her eligibility for May 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]

Petitioner

[REDACTED]