



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: August 3, 2017
MAHS Docket No.: 17-008543
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; 42 CFR 438.400 to 438.424; 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 July 27, 2017, from Lansing, Michigan. Petitioner was represented by herself and her mother and advocate, [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Family Independence Manager (FIM).

ISSUE

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

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 April 12, 2017, Petitioner sent the Department Caseworker a fax dated April 7, 2017, stating that her income was \$ [REDACTED] and that she would like to apply for expedited FAP benefits. Department Exhibit 2, pgs. h-m.
3. On May 30, 2017, Petitioner submitted to the Department verification that she had not received her Social Security RSDI benefits since the beginning of April 2017. Department Exhibit 1, pgs. 19-21.

4. On June 14, 2017, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that effective July 1, 2017, her FAP benefits would decreased to \$█ for a household group size of 3 as a result of the RSDI and child support. Department Exhibit 1, pgs. 8-11.
5. On June 22, 2017, the Department received a hearing request from Petitioner, contesting the Department's negative action.
6. On June 28, 2017, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that effective July 1, 2017, her FAP benefits would increase to \$█ for a household group size of 3 as a result of her child support ending in April 2017 and RSDI ending in April 2017. Department Exhibit 1, pgs. 23-26.
7. On June 29, 2017, the Department Caseworker received confirmation that Petitioner child support stopped at the end of April 2017. Department Exhibit 1, pg. 18.

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, Petitioner was a recipient of FAP benefits. On April 12, 2017, Petitioner sent the Department Caseworker a fax dated April 7, 2017, stating that her income was \$█ and that she would like to apply for expedited FAP benefits. Department Exhibit 2, pgs. h-m. On May 30, 2017, Petitioner submitted to the Department verification that she had not received her Social Security RSDI benefits since the beginning of April 2017. Department Exhibit 1, pgs. 19-21. On June 14, 2017, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that effective July 1, 2017, her FAP benefits would decreased to \$█ for a household group size of 3 as a result of the RSDI and child support. Department Exhibit 1, pgs. 8-11.

On June 22, 2017, the Department received a hearing request from Petitioner, contesting the Department's negative action. On June 28, 2017, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that effective July 1, 2017, her FAP benefits would increase to \$█ for a household group size of 3 as a result of her child support ending in April 2017 and RSDI ending in April 2017.

Department Exhibit 1, pgs. 23-26. On June 29, 2017, the Department Caseworker received confirmation that Petitioner's child support stopped at the end of April 2017. Department Exhibit 1, pg. 18. BEM 500 and 550.

During the hearing, the FIM stated that a SOLQ was run that showed that Petitioner was still receiving RSDI benefits on March 6, 2017. Department Exhibit 2, pgs. d-f. On June 2, 2017, the SOLQ showed that Petitioner was no longer receiving RSDI. Department Exhibit 2, pgs. a-c. The Department was put on notice that Petitioner had no income on April 12, 2017, but no SOLQ was run at that time until June 2, 2017.

This Administrative Law Judge finds that Petitioner should be eligible for additional FAP benefits for May 2017 and June 2017. She reported on April 12, 2017, that she had no income so 10 days for the Department to process the change is April 24, 2017, to affect May 2017 and June 2017 benefits. Even though the Department affected July 2017 with an increase to \$ [REDACTED] Petitioner should have been eligible for additional FAP benefits in May 2017 and June 2017 for reporting to the Department no income on April 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 did not act in accordance with Department policy when it failed to verify that the Social Security RSDI income had stopped in April 2017 after receiving notice from Petitioner on April 12, 2017 through a fax that she had no income.

DECISION AND ORDER

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

The Department is ordered to begin doing the following, in accordance with department policy and consistent with this hearing decision, within 10 days of the date of mailing of this decision and order of initiating a redetermination of the Petitioner's eligibility for FAP retroactive to her April 12, 2017, fax to the Department stating that she had no income to effect FAP benefits for May 2017 and June 2017.

Based on policy, the Department should provide the Petitioner with written notification of the Department's revised eligibility determination and issue the Petitioner any retroactive benefits she/he may be eligible to receive, if any.



CF/md

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]