



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: August 17, 2017
MAHS Docket No.: 17-008945
Agency No.: ██████████
Petitioner: ██████████

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; 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 ██████████, from Detroit, Michigan. The Petitioner was represented by herself and she was accompanied by her grandchildren, ██████████ and ██████████. The Department of Health and Human Services (Department) was represented by ██████████, Hearing Facilitator.

ISSUE

Did the Department properly decrease Petitioner's Food Assistance Program (FAP) benefits beginning July 1, 2017, ongoing?

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.
2. On ██████████, Petitioner notified the Department of a change in her monthly income. The information did not get processed timely by the Department causing a delay in the issuance of a Verification Checklist (VCL).
3. On ██████████, the Department sent Petitioner a Notice of Case Action notifying her that her FAP benefits were approved in the amount of \$ ██████████ per month. [Exhibit 1, p. 7.]

4. On [REDACTED], the Department received Petitioner's request for hearing disputing the Department's actions concerning her FAP benefits.
5. Subsequently, on [REDACTED], the Department sent Petitioner a VCL requesting she complete the Verification of Employment form.
6. On [REDACTED], Petitioner provided the completed Verification of Employment form to the Department. A supplemental payment was issued to Petitioner on [REDACTED], in the amount of \$ [REDACTED] as the [REDACTED] benefit payment had issued on [REDACTED] [REDACTED] in the amount of \$ [REDACTED] [Exhibit 1, pp. 15-16 and 19-20.]

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 requested a hearing to dispute the Notice of Case Action and the amount of approved FAP benefits for [REDACTED]-ongoing. On [REDACTED], Petitioner notified the Department that her monthly income was changing. In FAP benefit cases, the Department is to act on a change reported by means other than a tape match within 10 days of becoming aware of the change. BAM 220 (7/1/17), p. 7. The Department did not send Petitioner a VCL until [REDACTED], because the reported change did not get processed timely. On [REDACTED], Petitioner received \$ [REDACTED] in FAP benefits. At the hearing, it was determined that after Petitioner submitted the completed Verification of Employment form, on [REDACTED], she was provided a supplemental payment in the amount of \$ [REDACTED].

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 act within 10 days of being notified of a change in income that effected the amount of FAP benefits Petitioner was eligible to receive.

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:

1. Process Petitioner's [REDACTED], reported change in accordance with Department policies;
2. Recalculate Petitioner's FAP budget to include the reported change for the applicable periods;
3. Issue FAP supplements to Petitioner for any FAP benefits she was entitled to receive but did not, from the date of the reported change ongoing; and
4. Notify Petitioner in writing of the Department's decisions.



DM/jaf

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]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
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