



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: September 8, 2017
MAHS Docket No.: 17-009969
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on September 5, 2017, from Lansing, Michigan. The Petitioner represented herself. The Department was represented by [REDACTED] Assistance Payments Supervisor.

ISSUE

Did the Department of Health and Human Services (Department) properly process Petitioner's application 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. On June 15, 2017, the Department received Petitioner's application for Food Assistance Program (FAP) benefits. Exhibit A, pp 5-45.
2. Petitioner reported on her application for assistance that she was employed and expected to work 10 hours per week. Exhibit A, p 19.
3. On June 21, 2017, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of her earned income by July 3, 2017. Exhibit A, pp 46-47.
4. On June 22, 2017, the Department received a memorandum indicating that Petitioner would be working part-time effective June 12, 2017. Exhibit A, p 48.
5. On June 22, 2017, the Department received note signed by Petitioner indicating that she would be working part time due to pregnancy. Exhibit A, p 49.
6. On July 13, 2017, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits as of June 15, 2017. Exhibit A, p 53.

7. On July 25, 2017, the Department made a collateral contact with Petitioner's employer and received verification that she had not worked since June 9, 2017. Exhibit A, p 65.
8. On July 31, 2017, the Department notified Petitioner that she was eligible for prorated Food Assistance Program (FAP) benefits from July 25, 2017, through July 31, 2017, and approved for ongoing FAP benefits effective August 1, 2017. Exhibit A, pp 57-62.
9. On July 25, 2017, the Department received Petitioner's request for a hearing protesting the amount of Food Assistance Program (FAP) benefits she was granted in June and July of 2017. Exhibit A, pp 2-3.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (October 1, 2016), p 8.

Eligibility for FAP benefits begins on the date the application was received by the Department except that if the delay in determining eligibility for benefits was caused by the client, then benefits begin on the date the group meets all application requirements. Department of Health and Human Services Bridges Eligibility Manual (BEM) 115 (July 1, 2017), p 29.

Petitioner applied for FAP benefits on June 15, 2017, and reported that she expected to work 10 hours per week. On June 21, 2017, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of her earned income by July 3, 2017. On July 13, 2017, the Department had not received sufficient verification of Petitioner's earned income and it notified Petitioner that she was not eligible for FAP benefits in June of 2017.

On July 25, 2017, the Department received verification that Petitioner was no longer receiving any earned income from employment through a collateral contact with her employer. Having received sufficient verification of Petitioner's earned income, the Department determined her eligibility for FAP benefits as of July 25, 2017, which was the day she had met all the application requirements. Petitioner received a prorated


FAP allotment for July based on an eligibility date of July 25, 2017, and ongoing benefits effective August 1, 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 June 15, 2017, and determined that she was eligible for Food Assistance Program (FAP) benefits effective July 25, 2017.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
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]