



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: September 21, 2017
MAHS Docket No.: 17-010997
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 September 18, 2017, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly process Petitioner's reported income change in determining her Food Assistance Program (FAP) eligibility?

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 May 13, 2017, Petitioner received her final Unemployment Compensation Benefit issuance.
2. On May 24, 2017, Petitioner notified the Department that she received her final UCB issuance on May 13, 2017.
3. On June 30, 2017, Petitioner was notified that her FAP benefits were increased due to a change in income beginning June 2017, ongoing.
4. On August 11, 2017, Petitioner submitted a Request for Hearing regarding her May 2017 FAP benefit issuance amount.

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, the Department was in the process of converting Petitioner's physical case file documents to an electronic version. The Department discovered that there was not a copy of Petitioner's application for FAP benefits in her case file. The Department sent Petitioner a FAP application that was to be back-scanned for file keeping purposes. Petitioner completed and returned the FAP application to the Department on May 24, 2017.

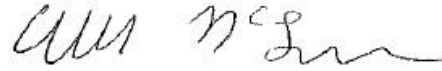
When reviewing the application, the Department discovered that Petitioner was no longer receiving Unemployment Compensation Benefits (UCB). Petitioner's final UCB issuance was received on May 13, 2017, for the weeks ending April 29, 2017, and May 6, 2017. Due to the loss of UCB, the Department recalculated Petitioner's FAP benefits for June 2017, ongoing. Petitioner did not notify the Department of the loss of her UCB prior to May 24, 2017.

The Department did not apply the benefit increase to Petitioner's May 2017 benefits. For FAP cases, clients must report changes [to income] within 10 days of receiving the first payment reflecting the change. BAM 105 (October 2016), p. 11. The Department must act on a change reported by means other than tape match within 10 days of becoming aware of the change. BAM 220 (April 2017), p. 7. Changes which result in an increase in the household's benefits 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. BAM 220, p. 7. The Department established that it properly followed policy, as it correctly applied the benefit increase to the allotment that first occurred 10 days after it received the notification of the decrease in income on May 24, 2017.

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 did not apply Petitioner's FAP benefit increase, as a result of decreased income, to May 2017.

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



EM/jaf

Ellen McLemore
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]
[REDACTED]
[REDACTED]
[REDACTED]