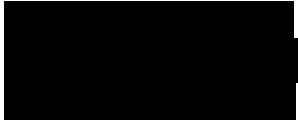




RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: January 10, 2018
MAHS Docket No.: 17-015508
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 January 8, 2018 from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly determine that no adjustment should be made to Petitioner's Food Assistance Program (FAP) benefit rate for November 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. Petitioner is an ongoing FAP benefit recipient.
2. October 4, 2017 was Petitioner's last day of employment.
3. On October 26, 2017, Petitioner visited the Department Office and timely dropped off a Wage Match, but only the first page of the Wage Match was successfully transmitted to her worker.
4. On November 6, 2017, the Petitioner provided a copy of her employment termination letter to the Department.

5. On November 9, 2017, the Department issued a Notice of Case Action increasing Petitioner's benefits from \$ [REDACTED] to \$ [REDACTED] effective December 1, 2017.
6. On November 21, 2017, the Petitioner went back to the local Department office, provided a new copy of the Wage Match which was fully transmitted to the Department, and then the Department back dated the receipt of the Wage Match to its original transmission of October 26, 2017.
7. On November 27, 2017, Petitioner visited the local office again and a help desk request was submitted seeking to correct any errors by the Department in Petitioner's case.
8. On November 28, 2017, Petitioner filed a hearing request disputing her November 2017 FAP benefits.

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 disputes her November 2017 FAP benefit amount because she believes that her benefit rate should have increased as of November rather than waiting to take effect until December. To support her position, Petitioner testified that she turned in a copy of her termination letter on October 9, 2017. The Department has no record of receiving the termination letter from Petitioner until November 6, 2017. Without some additional evidence such as a fax confirmation or date stamped letter, Petitioner has not proven that the Department received the documents as stated and October 9, 2017 cannot be used as the change reporting date.

Based on the evidence presented, the Department was alerted to the end of Petitioner's employment via the Wage Match. On October 26, 2017, Petitioner first attempted to submit the Wage Match form to the Department via fax, but only one page was received. On November 21, 2017, Petitioner resubmitted the document and both pages were received. The Department back dated the receipt of the Wage Match to October 26, 2017 due to Petitioner's earlier efforts and made changes in Petitioner's FAP case effective December 1, 2017.

Department policy provides that the Department is required to act on any change reported by means other than a tape match within 10 days of becoming aware of the change. BAM 220 (October 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. Therefore, in this case, since the loss of employment was treated as reported on October 26, 2017, the Department had 10 days to act on the issue, or until November 5, 2017, and then was required to implement an increase in benefits for the next benefit period, or December 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 determined that no adjustment should be made to Petitioner's November 2017 FAP benefit rate.

DECISION AND ORDER

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

AM/kl



Amanda M. T. Marler

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

Via email



Petitioner via USPS

