



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: June 8, 2018
MAHS Docket No.: 18-004378
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, a telephone hearing was held on May 31, 2018, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services was represented by [REDACTED], Hearing Facilitator, and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department of Health and Human Services (Department) properly determine 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. On [REDACTED], the Department received Petitioner's Redetermination (DHS-1010). Exhibit A, pp 12-19.
2. Respondent reported to the Department that she was employed as of [REDACTED] at a rate of \$ [REDACTED] per hour. Exhibit A, p 16.
3. On [REDACTED], the Department notified Petitioner that she was eligible for a \$ [REDACTED] monthly allotment of Food Assistance Program (FAP) benefits effective [REDACTED]. Exhibit A, pp 5-7.

4. Petitioner was approved for Food Assistance Program (FAP) benefits as a group of three with earned income in the gross monthly amount of \$ [REDACTED] Exhibit A, p 6 and 16.
5. On [REDACTED], the Department received copies of Petitioner's first three paycheck stubs for her employment. Exhibit A, pp 27-29.
6. On [REDACTED], the Department notified Petitioner that she was eligible for a \$ [REDACTED] allotment of Food Assistance Program (FAP) benefits effective [REDACTED] Exhibit A, pp 30-32.
7. On [REDACTED], the Department received Petitioner's request for a hearing protesting the amount of her allotment of Food Assistance Program (FAP) benefits. Exhibit A, pp 2-3 and 9.

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 report changes in circumstance that potentially affect eligibility or benefit amount within 10 days of receiving the first payment reflecting the change. Changes that must be reported include report changes of earned income. Department of Human Services Bridges Assistance Manual (BAM) 105 (January 1, 2018), pp 1-20.

Clients must report changes in circumstance that potentially affect eligibility or benefit amount. Changes must be reported within 10 days of receiving the first payment reflecting the change. Department of Health and Human Services Bridges Administrative Manual (BAM) 105 (January 1, 2018), p 12. 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. Department of Health and Human Services Bridges Administrative Manual (BAM) 220 (January 1, 2018), p 7.

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15.

Department of Human Services Bridges Eligibility Manual (BEM) 505 (October 1, 2017), pp 7-8.

On [REDACTED], the Department notified Petitioner that she was eligible for FAP benefits as a group of three with a \$ [REDACTED] monthly allotment of benefits based on the information collected during her Redetermination interview. These benefits were based on Petitioner receiving monthly earned income in the gross monthly amount of \$ [REDACTED] which was determined by multiplying her hourly rate of \$ [REDACTED] by 40 hours and the 4.3 monthly conversion factor.

On [REDACTED], the Department received Petitioner's paycheck stubs showing that she was not expected to work 40 hours per week.

The record evidence shows that Petitioner did not write her income source on her [REDACTED], Redetermination form, but that this information was collected by Petitioner's caseworker during the Redetermination interview.

Petitioner does not dispute that she informed her caseworker that she would be working full time at a rate of \$ [REDACTED] per hours, but that it should have been understood that "full time" at a retail business does not mean 40 hours per week.

The record evidence supports a finding that Petitioner's FAP benefits for [REDACTED], were determined based on the best available information available. When the Department received copies of Petitioner's first three paycheck stubs on [REDACTED], Petitioner's eligibility for ongoing FAP benefits was redetermined by the following allotment of benefits, which was [REDACTED], as directed by BAM 220.

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 Petitioner's eligibility for Food Assistance Program (FAP) for [REDACTED] and [REDACTED].

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



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) 763-0155; 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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]