



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

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[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: August 23, 2018
MAHS Docket No.: 18-006666
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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 August 1, 2018, from Lansing, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Peter Martin, Path Specialist, and Kathy Burr, Assistance Payments Supervisor. Department Exhibit A, pages 1-2; Department Exhibit B, pages 1-2; and Department Exhibit C, pages 1-5 were received and admitted into evidence.

ISSUE

Did the Department properly process Petitioner's Food Assistance Program (FAP) benefits for June of 2018?

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 FAP recipient.
2. During an April of 2018 conversation between Petitioner and Mr. Martin, Petitioner informed Mr. Martin that she had a new employer.
3. Based on the information provided in that conversation, Mr. Martin put Petitioner's case in negative action as a result of unknown employment.

4. When Mr. Martin took that action, the Department issued an April 20, 2018, Verification Checklist to Petitioner requesting information regarding the unknown and unverified employment. Exhibit A.
5. The Verification Checklist instructed Petitioner to provide the required information by April 30, 2018, and that failure to do so could result in Petitioner's benefits being denied, reduced, or cancelled. Exhibit A.
6. On May 16, 2018, the Department received the verification of employment from Petitioner. Exhibit B.
7. On May 17, 2018, the Department issued to Petitioner a Notice of Case Action informing Petitioner that starting June 1, 2018, Petitioner's benefits would be decreased to \$33.00 per month. Exhibit C.
8. On June 3, 2018, Petitioner reported to Mr. Martin that her job ended at the beginning of June of 2018.
9. On June 19, 2018, Petitioner submitted verification of her job ending, and the Department implemented the loss of employment starting July 1, 2018.
10. On June 26, 2018, Petitioner submitted a request for hearing to dispute the calculation of benefits for June of 2018.

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.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (April 2017), p. 1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. For FAP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is required. BAM 130 (April 2017), p. 7. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 7. For electronically transmitted verifications (fax, email or Mi Bridges document

upload), the date of the transmission is the receipt date. BAM 130, p. 7. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a Department representative are considered to be received the next business day. BAM 130, p. 7. The Department sends a negative action notice when: the client indicates a refusal to provide a verification OR the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 7. Income decreases that cause an increase in FAP benefits are effective no later than the first allotment issued 10 days after the date the change was reported, provided necessary verification was returned by the due date. BEM 505 (October 2017), page 11.

In this case, Petitioner reported a change in employment to her worker in April of 2018. As a result of this report, the Department issued Petitioner a Verification Checklist regarding her new employment. The required verifications were due by April 30, 2018. They were not provided until May 16, 2018, well after the deadline. When she did provide the information, the Department took it into account when budgeting for June of 2018. Based on the information provided, the Department correctly determined that Petitioner was eligible for \$33.00 in FAP benefits, effective June 1, 2018.

After working the first couple days of June 2018, Petitioner lost her job. On June 3, 2018, Petitioner reported the loss of income to the Department. Petitioner then timely verified the loss of income. Based on Petitioner's verified loss of income, the Department adjusted her budget and recalculated Petitioner's benefits going forward from July 2018.

The Department acted in accordance with policy when it determined Petitioner's FAP benefits for June 2018. Based on the income information it received in May 2018, the Department correctly determined Petitioner's benefits for June 2018. When Petitioner reported her loss of income, the Department properly determined that it would impact Petitioner's level of benefits going forward from July of 2018, rather than resulting in an immediate boost to her June of 2018 FAP benefits.

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 determined Petitioner's FAP benefits for June 2018. Accordingly, the Department's decision is **AFFIRMED**.



JM/dh

John Markey
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

Raina Nichols
22 Center Street
Ypsilanti, MI 48198

Washtenaw County, DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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