



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: August 23, 2018
MAHS Docket No.: 18-007267
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 15, 2018, from Lansing, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Sharon Border, Family Independence Specialist, and Kelly Hudson, Family Independence Manager. During the hearing, 18 pages of documents were offered and admitted into evidence as Exhibit A, pp. 1-18.

ISSUE

Did the Department properly process Petitioner's reported change in income when calculating her 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. Petitioner was an ongoing FAP recipient.
2. Petitioner was employed at [REDACTED] as a school bus driver.
3. On June 8, 2018, Petitioner worked her last day of the school year with an anticipated return to work date of August 20, 2018.
4. On June 14, 2018, Petitioner reported the change in income to the Department.

5. On June 14, 2018, the Department issued to Petitioner a Verification Checklist requesting information related to Petitioner's job with [REDACTED]. The verifications were due to be returned by June 25, 2018.
6. On June 28, 2018, Petitioner provided the requested verifications.
7. On July 3, 2018, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her FAP benefits were increased starting August 1, 2018, based on a monthly income of [REDACTED].
8. On July 9, 2018, Petitioner submitted a request for hearing.

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.

Income decreases that result in a benefit increase must be 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), p. 11. If verification is required or deemed necessary, the Department must allow the household 10 days from the date the change is reported or the date of the request for verification to provide verification. BEM 505, p. 11. If verification is required or deemed necessary but the client fails to return the verification within 10 days after the change was reported, but does provide the verification at a later date, the Department is to act on the change within 10 days after the verification is provided. BAM 220 (January 2018), p. 8.

In this case, Petitioner argued that she should receive a supplement for her FAP benefits for the month of July of 2018 because she reported the change within 10 days from the loss of her income source. However, the Department required verifications, and Petitioner failed to return those verifications in a timely manner. Thus, BEM 505 does not control. Instead, BAM 220 says that the Department must act within 10 days after the verification is provided, already into July of 2018 and after the issuance of her July of 2018 benefits. Accordingly, the verified change was appropriately deemed by the Department to be applicable starting August of 2018.

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 implemented Petitioner's change of income in calculating Petitioner's FAP benefits. 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

