



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: April 5, 2022
MOAHR Docket No.: 22-000595
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Landis Lain

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 March 31, 2022, from Lansing, Michigan. Petitioner [REDACTED] appeared and self-represented. The Department of Health and Human Services (Department or Respondent) was represented by April Sprague, Hearings Facilitator.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefit allotment?

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 benefit recipient.
2. Petitioner's case was due for a redetermination.
3. The MDHHS-1010 redetermination form was sent to Petitioner.
4. On July 21, 2021, the MI Bridges version of redetermination form was received from Petitioner.
5. On August 3, 2021, A worker completed phone interview for redetermination. See copy of interview guide. Ms. [REDACTED] reported it is herself and her 5 children in the home. Income for the household consisted of unemployment for Petitioner and child support for 3 of her children.

6. On August 3, 2021, FAP was approved 9/1/21 ongoing for \$ [REDACTED] per month. A DHS-1605 Notice of Case Action.
7. On October 1, 2021, a case read was done on case by a lead worker and per case comments, worker noted per lead worker direction child support was pended for verification as we need to know what Ms. [REDACTED] expects to receive based on the court order and if the last three months of payments are typical.
8. A DHS-3503 Verification Checklist was sent requesting verification of child support direct (court ordered) payments for three children. Verification due 10/11/21. A DHS-100 Quick Note was also sent explaining to Ms. [REDACTED] to contact the Department and clarify child support payments the children are receiving.
9. On October 12, 2021, Verification of child support payments not received and FAP closed 11/1/21 ongoing. A DHS-1605 Notice of Case Action was sent. See copy of electronic case file showing verification was not received. Ms. [REDACTED] is past the 90 days to request an appeal on this notice.
10. On [REDACTED], 2021, FAP application was submitted. NOTE: application was received on a Saturday and was registered for the next business day, 12/13/21.
11. On December 14, 2021, A worker completed a phone interview. See copy of interview guide. Ms. [REDACTED] reported it is herself and her 5 children in the home. No income was reported for the household. Worker pulled consolidated inquiry and SOLQ. Consolidated inquiry for Ms. [REDACTED] didn't show any current unemployment payments received. Consolidated inquiry showed she was receiving regular child support payments for three children. And she started receiving child support payments for AB. SOLQ returned no results.
12. The worker found income for AB on the Work Number at [REDACTED]. Verification showed a start date of 10/26/21, she has an active employment status, and first pay was received 11/10/21. This income wasn't reported on application or during interview suggesting AB is no longer employed there but because the Work Number is showing she has an active employment status, additional verification is needed to show job end. Worker updated case and processed application, and a DHS-3503 Verification Checklist sent requesting verification of wages and loss of employment for AB at Walmart. An MDHHS-38 Employment Verification form for Walmart was also sent. Verification was due 12/27/21.
13. On January 11, 2022, Verification for [REDACTED] was not received and FAP was denied 12/13/21 ongoing. A DHS-1605 Notice of Case Action sent. See copy of electronic case file showing verification was not received.
14. On [REDACTED], 2022, a FAP application was submitted.
15. On January 14, 2022, A worker completed a phone interview. See copy of interview guide. Petitioner reported it is herself and 4 of her children in the home. She reported AB, who is 18, is no longer in the household. Income reported for the

household is child support and Petitioner reported she has a new job at [REDACTED].

16. Worker pulled consolidated inquiry and SOLQ. SOLQ returned no results. Worker updated case and processed application, and expedited FAP was approved for 1/11/22-1/31/22 for \$ [REDACTED] per month.
17. Petitioner received \$ [REDACTED] in expedited benefits for the month of January in FAP benefits.
18. A DHS-1605 Notice of Case Action was sent.
19. A DHS-3503 Verification Checklist was also sent requesting verification of wages for Gray Facilities. Verification was due 1/24/22.
20. On February 1, 2022, Petitioner was approved \$ [REDACTED] per month in FAP benefits ongoing.
21. On January 15, 2022, a Pay stub was received for [REDACTED] for pay date 1/2/22. Looking at the year to date on pay stub, this is Ms. [REDACTED] first pay.
22. On February 15, 2022, a hearing request was made by Petitioner indicating: "My FAP was not loaded and I am tired (tired) of going through this with DHS. Every time I'm being told Docs are turned in but they are and just not processed."
23. On February 16, 2022, A telephone pre-hearing conference scheduled for 2/28/22 between 1:00-3:00pm and an MDHHS-170 Appointment Notice sent.
24. Pay stub received 1/15/22 was processed and case updated with income. A full 30 days of pay verification is needed and another DHS-3503 Verification Checklist was sent requesting verification of wages for [REDACTED]. Worker added comments to checklist informing Ms. [REDACTED] to provide all check stubs for the month of January 2022. Verification was due 2/28/22.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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.

Pertinent Department policy dictates:

Federal regulations at 7 CFR 271; 273 provides standards for the determination of Food Assistance Program budgeting. The Department follows the program reference manual, tables, charts, schedules, Table 240-1.

Income means a benefit or payment received by an individual which is measured in money. It includes money an individual owns even if not paid directly such as income paid to a representative. Income remaining after applying the policy in the income related items is called countable. This is the amount used to determine eligibility and benefit levels. Count all income that is not specifically excluded. BEM 500, page 1

Gross income is the amount of income before any deductions such as taxes or garnishments. This may be more than the actual amount an individual receives. Court-ordered or voluntary child support payments are considered a part of gross income. BEM 500, pages 4-5

Income paid to an individual acting as a representative for another individual is not the representative's income. The income is the other individual's income. Common representatives include:

- Legal guardians; see Bridges Policy Glossary (BPG).
- Court-appointed conservators.
- Minor children's parents.
- Representative payees. BEM 500, page 8

In this case, Petitioner's circumstances changed rapidly as did her income. Her household composition changed. Her child support payments were sporadic. Once the Department was able to determine Petitioner's household group composition and her income, the FAP case was opened.

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 has established by the necessary competent, material and substantial evidence on the record that it acted in accordance with Department policy when it determined that Child

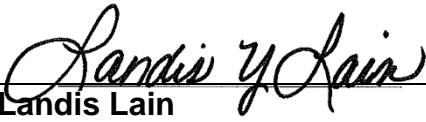
Support Income must be counted in the Food Assistance Program benefit determination. The department made the determination once it had received all verification information was proper.

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 Petitioner's FAP benefits should be \$770.00 from February 1, 2022, forward.

DECISION AND ORDER

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

LL/ml



Landis Lain
Administrative Law Judge

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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Electronic Mail Recipients:

MDHHS-Genesee-UnionSt-Hearings
BSC2
M. Holden
D. Sweeney
MOHAR

First Class Mail Recipient:

[REDACTED], MI [REDACTED]