



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: March 14, 2024
MOAHR Docket No.: 24-001041
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 hearing was held by telephone on March 7, 2024. Petitioner was represented by their Authorized Hearing Representative (AHR), [REDACTED]. The Department of Health and Human Services (Department) was represented by Priya Johnson, Assistance Payments Supervisor.

ISSUE

Did the Department properly process Petitioner's Food Assistance Program (FAP) case for changes reported on October 31, 2023?

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 recipient of FAP benefits for a certified group of two (2). (Exhibit A, pp. 7 – 9, Exhibit B, p. 8).
2. On [REDACTED], 2023, Petitioner completed a FAP renewal application through MiBridges and disclosed expenses including rent, non-heat electric, phone, and cooking fuel. (Exhibit A, pp. 7 – 8).
3. Effective October 1, 2023, Petitioner's monthly FAP benefit was \$365. (Exhibit B, p. 8).

4. On October 31, 2023, Petitioner provided proof of heat and electric expenses to the Department. (Exhibit A, p. 6).
5. On January 3, 2024, the Department processed Petitioner's reported heat and electric expense changes and determined Petitioner was owed \$138 in supplemental FAP benefits for the period of November 1, 2023 to November 30, 2023. (Exhibit B, pp. 1 – 2).
6. On January 3, 2024, the Department issued Petitioner supplemental FAP benefits in the amount of \$138 for the period of November 1, 2023 to November 30, 2023. (Exhibit B, p. 8).
7. On or about January 3, 2024, the Department increased Petitioner's FAP benefits from \$365 per month to \$490 per month. (Exhibit B, p. 8).
8. The Department did not issue Petitioner any supplemental FAP benefits for December 2023. (Exhibit B, p. 8).
9. On February 1, 2024, the Department received a request for hearing from Petitioner's AHR regarding supplements Petitioner believes he is entitled to receive for October and December 2023. (Exhibit A, p. 5).

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.

Petitioner requested a hearing regarding FAP benefit supplements Petitioner believes the Department should have issued for October and December 2023 based on a change to Petitioner's heat and utility expenses that Petitioner reported to the Department on October 31, 2023. (Exhibit A, p. 5). The Department processed Petitioner's reported change and issued FAP supplements on January 3, 2024, for only November 2023.

When verification of expenses is provided by a Petitioner after being certified for FAP benefits, the Department must treat that information as a reported change. BEM 554 (April 2023), p. 3. Such changes are non-income changes and the Department must

act on the change within ten (10) days of becoming aware of the change and when such a change results in an increase in the household's FAP benefit, the change must be effective no later than the first allotment issued ten (10) days after the change was reported, provided that verification was provided. BAM 220 (October 2023), p. 7. The Department must process reported changes by completing the FAP eligibility determination and required case actions in time to affect the benefit month in effect ten (10) days after the change is reported. BAM 220, p. 10.

In this case, Petitioner submitted proof of heat and electric expenses to the Department on October 31, 2023. (Exhibit A, p. 6). The Department processed Petitioner's expenses on January 3, 2024 and recalculated Petitioner's FAP budget. (Exhibit B, pp. 1 – 2). As a result of Petitioner's recalculated FAP budget, the Department issued Petitioner supplemental FAP benefits on January 3, 2024, for November 2023, in the amount of \$138. The Department did not testify or introduce evidence that any supplements, reflecting the reported change, were issued to Petitioner for December 2023. (Exhibit B, p. 8). Based on Petitioner's eligibility for supplemental FAP benefits for November 2023, Petitioner was eligible for supplemental FAP benefits for December 2023.

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 did not act in accordance with Department policy when it did not issue supplemental benefits to Petitioner for December 2023 and when it determined Petitioner's ongoing FAP benefit amount as a result of the reported changes.

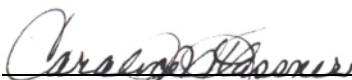
DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's eligibility for FAP benefits for December 2023;
2. If Petitioner is eligible for any supplemental FAP benefits, issue supplemental payments to Petitioner for any FAP benefits he was eligible to receive but did not, from December 2023;
3. Notify Petitioner of its decision.

CML/ml



Caralyce M. Lassner
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

Via Electronic Mail:

DHHS
Yaita Turner
Oakland County Southfield District III
25620 W. 8 Mile Rd
Southfield, MI 48033
MDHHS-Oakland-6303-Hearings@michigan.gov

Interested Parties

BSC4
M Holden
B Cabanaw
N Denson-Sogbaka

Via First Class Mail:

Authorized Hearing Rep.

[REDACTED] MI [REDACTED]

Petitioner

[REDACTED] MI [REDACTED]