



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]
[REDACTED], MI [REDACTED]

Date Mailed: March 15, 2024
MOAHR Docket No.: 24-001337
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On January 30, 2024, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute his eligibility for Food Assistance Program (FAP) benefits beginning January 1, 2024. As a result, a hearing was scheduled to be held on March 14, 2024, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Julie Parent, AP Worker, and Gina Goss, Family Independence Manager.

ISSUE

Did the Department properly determine Petitioner's eligibility for FAP benefits beginning January 1, 2024?

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 December 20, 2023, a Notice of Case Action was issued stating that Petitioner's FAP benefit amount would be \$278.00 effective January 1, 2024.
2. On December 26, 2023, Petitioner submitted verification of the loss of his employment effective December 18, 2023, with a final pay expected on January 5, 2024.
3. On January 4, 2024, Petitioner submitted a Change Report reporting the loss of his employment.

4. On January 30, 2024, the Department processed Petitioner's December 26, 2023, verification and January 4, 2024, Change Report.
5. On January 30, 2024, Petitioner requested a hearing to dispute the January 1, 2024, FAP benefit amount.
6. On January 30, 2024, a Verification Checklist was mailed and emailed to Petitioner requesting proof of Petitioner's final pay on January 5, 2024.
7. On January 30, 2024, Petitioner submitted the requested proofs.
8. On January 31, 2024, a Notice of Case Action was issued increasing Petitioner's FAP benefits to \$766.00 effective February 1, 2024.

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 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.

In this case, Petitioner argued that his income decrease should result in an increase in his FAP benefits beginning January 2024.

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 1, 2023, p. 11.

Here, Petitioner reported his income decrease on December 26, 2023. Ten days after Petitioner's reported change would be January 5, 2024. The first FAP allotment issued 10 days after Petitioner's reported change would be February 1, 2024. Here, there was no evidence provided by Petitioner that the Department failed to act in accordance with Department policy. The Department properly issued a benefit increase no later than the first allotment issued 10 days after the change was reported.

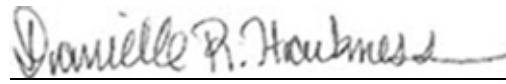
When a change is reported, the Department must act on a change reported by means other than a tape match within 10 days of becoming aware of the change. BAM 220, November 1, 2023, p. 7. The Department acknowledged that Petitioner's reported changes were processed outside of the 10-day standard. However, even if the

Department would have acted on Petitioner's reported change within 10 days of December 26, 2023, the first FAP allotment would still be February 1, 2024.

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 eligibility for FAP benefits beginning January 1, 2024.

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



DH/nr

Danielle R. Harkness
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

Gina Goss - 66
Ontonagon County DHHS
408 Copper St. Suite B
Ontonagon, MI 49953

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906WestHearings@michigan.gov

Interested Parties

906 West Hearings

BSC1

M. Holden

N. Denson-Sogbaka

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MOAHR

Via-First Class Mail :

Petitioner

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