



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: April 24, 2024
MOAHR Docket No.: 24-002661
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 April 18, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Charese Hull, Eligibility Specialist.

ISSUE

Did the Department properly process the addition of a member to Petitioner's Food Assistance Program (FAP) group?

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 for a group of three, which included Petitioner, daughter [REDACTED] (MH), and daughter [REDACTED] (LS).
2. On [REDACTED] 2023, Petitioner gave birth to daughter, [REDACTED] (NS). (Exhibit A, p. 8).
3. Between December 2, 2023 and December 9, 2023, Petitioner notified the Department, by telephone, of NS's birth.

4. On [REDACTED] 2024¹, Petitioner submitted an application for FAP benefits to the Department through MiBridges, on which she added NS. (Exhibit A, pp. 6 – 13).
5. On January 31, 2024, Petitioner submitted a renewal application for her FAP benefits, which was due by February 29, 2024. (Exhibit A, pp. 14 – 16).
6. On February 1, 2024, the Department sent Petitioner a Notice of Case Action (NOCA) approving Petitioner for FAP assistance in the amount of \$510 per month for a group of four, effective March 1, 2024. (Exhibit A, pp. 17 – 18).
7. On February 28, 2024, the Department sent Petitioner an NOCA decreasing her FAP benefits to \$431 for a group of three, excluding Petitioner due to Petitioner's non-compliance with child support requirements, effective April 1, 2024. (Exhibit A, pp. 31 – 32).
8. On March 5, 2024, the Department sent Petitioner an NOCA increasing her FAP benefits to \$510 for a group of four, upon resolution of Petitioner's child support non-compliance status, effective April 1, 2024. (Exhibit A, pp. 24 – 25).
9. On March 13, 2024, the Department received Petitioner's request for hearing, disputing the amount of her FAP benefits based on NS's birth and stating Petitioner had notified the Department of her birth in [REDACTED] 2023. (Exhibit A, pp. 3 – 4).
10. On March 15, 2024, the Department issued Petitioner a supplement for February 2024 FAP benefits after adding NS to Petitioner's FAP group for that month. (Exhibit A, p. 41).

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.

¹ Petitioner's application was submitted on Tuesday, [REDACTED] 2024 at 9:34 pm. Applications and other documents submitted to the Department after regular business hours and on holidays are deemed to be received on the next business day. BAM 110 (October 2023), p. 6.

Petitioner requested a hearing to dispute NS not being added to Petitioner's FAP case in [REDACTED] 2023 and seeking a supplement for December 2023 and January 2024.

When a member is added to a FAP group, and the addition increases FAP benefits, any increase becomes effective the month after it is reported. BEM 212 (January 2022), p. 9; BAM 220 (November 2023), pp. 10 – 11. Whenever a client reports a change in circumstances, the Department must review the effect on eligibility. BAM 105 (October 2023), p. 17.

In this case, NS was born on [REDACTED] 2023. (Exhibit A, pp. 8, 15). Petitioner testified that she notified the Department of NS's birth between the day she was born and Petitioner's older daughter's birthday, [REDACTED] 2023, in order to add NS to Petitioner's FAP group and obtain Medicaid (MA) coverage for NS. In contrast, the Department testified that it was unaware of NS until Petitioner submitted an application for FAP benefits on [REDACTED] 2024. (Exhibit A, pp. 6 – 13). Because Petitioner was an ongoing recipient of FAP, the Department processed Petitioner's FAP application of [REDACTED] 2024 as a change report and, on February 1, 2024, the Department approved her for increased FAP benefits for a group of 4, effective March 1, 2024. (Exhibit A, pp. 17 – 18). Then, on March 15, 2024, the Department also authorized the issuance of a supplement for February 2024 for Petitioner's increased group size. (Exhibit A, p. 41, Line 153).

The case comments maintained by the Department in Petitioner's case confirm that Petitioner reported NS's birth to the Department on December 4, 2023. (Exhibit A, p. 41, Line 151). Because Petitioner reported NS's birth to the Department in December 2023, and the addition of a member to a FAP group that increases the group's benefit is effective the month after it is reported, NS should have been added to Petitioner's FAP group beginning with the January 2024 benefit period.

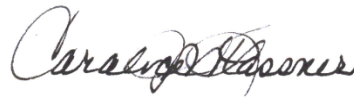
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it failed to add NS to Petitioner's FAP group effective for the January 2024 benefit period.

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, based on the inclusion of NS in Petitioner's group, for January 1, 2024 ongoing;
2. If Petitioner is eligible for any supplemental FAP benefits, issue supplemental payments to Petitioner for any FAP benefits she was eligible to receive but did not, for January 2024;
3. Notify Petitioner of its decision clearly, in writing, and in accordance with policy.



Caralyce M. Lassner
Administrative Law Judge

CML/nr

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

Chelsea McCune
Macomb County DHHS Warren Dist.
13041 E 10 Mile
Warren, MI 48089

**MDHHS-Macomb-20-
Hearings@michigan.gov**

Interested Parties

Macomb 20 County DHHS
BSC4

M. Holden

N. Denson-Sogbaka

B. Cabanaw

MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
MI [REDACTED]