



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



Date Mailed: July 23, 2024
MOAHR Docket No.: 24-006943
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 via telephone conference line on July 17, 2024. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Territa Rivers, manager.

ISSUE

The issue is whether MDHHS properly Petitioner's Food Assistance Program (FAP) eligibility following a reported stoppage in employment income.

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of April 2024, Petitioner was an ongoing recipient of FAP benefits and an ongoing recipient of employment income.
2. On April 22, 2024, Petitioner verbally reported to MDHHS that employment income stopped.
3. On May 21, 2024, MDHHS increased Petitioner's FAP eligibility beginning June 2024 based on Petitioner's reported stoppage in wages.
4. On June 11, 2024, Petitioner requested a hearing to dispute FAP eligibility for May 2024.

CONCLUSIONS OF LAW

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. MDHHS administers the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-119b, and Mich Admin Code, R 400.3001-.3011. FAP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute FAP eligibility. Exhibit A, pp. 5-6. Petitioner specifically disputed the benefit month affected following a reported stoppage in wages. A Notice of Case Action dated May 24, 2024, stated that Petitioner's FAP benefits would increase beginning June 2024, based on the reported stoppage in employment income. Exhibit A, pp. 14-18. Petitioner contended that MDHHS should have increased FAP eligibility beginning May 2024.

MDHHS is to act on a change reported by means other than a tape match within 10 days of becoming aware of the change. BAM 220 (November 2023) p. 7. For changes which result in an increase in the household's FAP benefits, the change 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.¹ *Id.* A supplemental issuance may be necessary in some cases. *Id.* If verification is returned late, the increase must affect the month after verification is returned.²

Petitioner reported to MDHHS on April 22, 2024, that ongoing wages had stopped. MDHHS responded by sending Petitioner a Verification Checklist on April 23, 2024, requesting proof of Petitioner's last 30 days of income. Exhibit A, pp. 19-21. It was not disputed that Petitioner complied with the VCL, and also later submitted proof of the stoppage in wages. Exhibit A, p. 4.

Because Petitioner timely submitted verification, MDHHS was required to affect Petitioner's eligibility in the benefit month following the 10th day after the reported change. The 10th day after the reporting date of April 22, 2024, falls in May 2024. Thus, MDHHS was required to affect Petitioner's FAP eligibility no later than the following benefit month: June 2024.³ Because MDHHS did so, MDHHS did not err in processing Petitioner's reported stoppage in employment income.

¹ Though clients may not receive FAP benefits on the first of the month, the "first allotment" date, for purposes of FAP benefits, is understood to be the first of every month

² Nearly identical policy on processing changes may be found in BEM 505 (October 2023) pp. 11-12.

³ Theoretically, MDHHS could have affected Petitioner's FAP eligibility beginning May 2024 if verifications were returned in April 2024 and it processed the verifications before May 2024. However, even if Petitioner returned verifications in April 2024, Petitioner is not entitled to an administrative remedy of an effective month of May 2024 for the reported change.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly affected Petitioner's FAP eligibility beginning June 2024 following Petitioner's reported stoppage of employment income on April 22, 2024. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki

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

Denise Ezell

Wayne Pathways to Potential-DHHS

3040 W Grand Blvd STE 5-450

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Interested Parties

BSC4

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MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
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