



GRETCHEN WHITMER  
GOVERNOR

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

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Date Mailed: October 8, 2024  
MOAHR Docket No.: 24-009998  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Linda Jordan**

**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 on October 1, 2024, via teleconference. Household member, ██████████ (Spouse), appeared on behalf of Petitioner. April Sprague, Hearings Facilitator, appeared on behalf of The Michigan Department of Health and Human Services (MDHHS or Department). MDHHS’ Hearing Packet was admitted into evidence at the hearing as MDHHS Exhibit A, pp. 1-77.

**ISSUE**

Did MDHHS properly determine Petitioner’s Food Assistance Program (FAP) benefit rate for July and August 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. Petitioner was an ongoing recipient of FAP benefits.
2. On May 30, 2024, MDHHS sent Petitioner a Notice of Case Action, indicating that the household was approved for FAP benefits for a household of four, at a rate of \$████████ per month, beginning July 1, 2024 (Exhibit A, p. 15).
3. On June 21, 2024, Spouse reported that she would not receive employment income from June 14, 2024 to July 31, 2024 (Exhibit A, p. 12).

4. On [REDACTED] 2024, Petitioner submitted an Assistance Application to MDHHS for State Emergency Relief (Exhibit A, p. 24). Petitioner reported no changes in income in the last 30 days (Exhibit A, p. 29).
5. On August 1, 2024, MDHHS sent Petitioner a Verification Checklist (VCL) requesting proof of Spouse's income (Exhibit A, p. 44).
6. On August 7, 2024, MDHHS sent Petitioner a Notice of Case Action indicating that the FAP benefit rate increased to \$[REDACTED] per month, effective September 1, 2024 (Exhibit A, p. 49).
7. On August 20, 2024, MDHHS sent Petitioner a Quick Note, indicating that Petitioner's FAP benefits would not be supplemented for the month of July 2024 because the change was effective the month following the reported change (Exhibit A, p. 8).
8. On August 26, 2024, Petitioner requested a hearing regarding the household's FAP benefit rate (Exhibit A, pp. 6-7).

### **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. MDHHS 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 disputed the household's FAP benefit rate for the period of time in which Spouse was not working and therefore not receiving employment income. Spouse clarified at the hearing that she disputed the effective date of the reported change. MDHHS alleged that it processed the reported change pursuant to policy. Petitioner did not dispute the FAP benefit rate increase effective September 1, 2024 (Exhibit A, p. 49).

MDHHS is required to evaluate reported changes to determine whether they affect the client's eligibility for program benefits. BAM 220 (November 2023), p. 1. The standard of promptness (SOP) is the maximum time allowed to complete a required case action. *Id.*, p. 6. For FAP, MDHHS is required to act on a change reported by means other than a tape match within ten days of becoming aware of the change. *Id.*, p. 7. Changes that result in an increase in the household's benefits must be effective no later than the first allotment issued ten days after the date the change was reported, provided any

necessary verification was returned by the due date. *Id.* A supplemental issuance may be necessary in some cases. *Id.* If necessary verification is not returned by the due date, MDHHS takes appropriate action based on what type of verification was requested. *Id.* If verification is returned late, the increase must affect the month after verification is returned. *Id.* If verification is required or deemed necessary, MDHHS must allow the household ten days from the date the change is reported to provide the verification. *Id.* The change must still affect the correct issuance month. *Id.* For example, the first benefit month occurring ten days after the date the change was reported. *Id.*

Here, Spouse reported to MDHHS that she was not working from June 14, 2024 to July 31, 2024. At the hearing, Spouse alleged that she reported this change on June 18, 2024 through the MI Bridges online customer portal. MDHHS alleged that it did not receive any documents or other reports through MI Bridges on June 18, 2024 and provided a copy of Petitioner's Electronic Case File, which showed no entries on June 18, 2024. The Electronic Case File showed that an unspecified document was uploaded to Petitioner's account on June 21, 2024. It is undisputed that the document indicated that Spouse was not working from June 14, 2024 to July 31, 2024. Based on the record, Petitioner did not provide sufficient evidence to show that the change was reported prior to June 21, 2024.

MDHHS was required to verify income that decreases or stops, pursuant to policy. BEM 500 (April 2022), pp. 13-14. The record shows that MDHHS did not process the decrease in income until August 1, 2024 (Exhibit A, p. 3). MDHHS attempted to verify the decrease through the Work Number Report and sent a VCL on August 1, 2024 (Exhibit A, p. 44). MDHHS verified the decrease in income and determined that the effective date of the change was September 1, 2024.

Pursuant to policy, MDHHS should have acted on the reported change within ten days, or by July 1, 2024. No evidence was provided to show that MDHHS acted on the change by July 1, 2024 or that it requested verification of the decrease in income until August 1, 2024. If MDHHS had acted pursuant to policy, then the reported change would have been effective August 1, 2024, which is the benefit month following the ten-day SOP. In order for the effective date of the change to be July 1, 2024, Petitioner was required to report the change by June 20, 2024, instead of June 21, 2024. Petitioner did not present sufficient evidence that the change was reported prior to June 21, 2024.

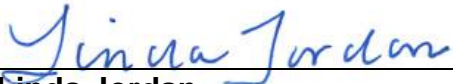
Although the effective date of the reported change should have been August 1, 2024, Spouse informed MDHHS that she was not working from June 14, 2024 to July 31, 2024. Thus, the employment income resumed effective August 1, 2024. A group's benefits for a month are based, in part, on a prospective income determination, which is a best estimate of income expected to be received by the group during a specific month. BEM 505 (October 2023), p. 1. MDHHS properly included Spouse's income in the August budget determination because she indicated that she would be receiving income during that month, and therefore, it was the best estimate of her prospective income. Spouse did not dispute the amount of income that MDHHS budgeted for the household in August 2024.

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 MDHHS acted in accordance with Department policy when it determined Petitioner's FAP benefit rate for July and August 2024.

**DECISION AND ORDER**

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

LJ/pt

  
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**Linda Jordan**  
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**

Janice Collins  
Genesee County DHHS Union St District Office  
125 E. Union St 7th Floor  
Flint, MI 48502  
**MDHHS-Genesee-UnionSt-Hearings@michigan.gov**

**Interested Parties**

BSC2  
M Holden  
B Cabanaw  
N Denson-Sogbaka  
MOAHR

**Via-First Class Mail:**

**Petitioner**

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