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GOVERNOR

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

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Date Mailed: January 31, 2025  
MOAHR Docket No.: 24-013928  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Colleen Lack**

### **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 telephone hearing was held on January 22, 2025, from Lansing, Michigan. ██████████, Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Jennifer Richard, Assistance Payments Supervisor (APS).

### **ISSUE**

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits?

### **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 ██████████ 2024, Petitioner submitted an application for Food Assistance Program (FAP) benefits and reported that she had to quit her job on ██████████, 2024. (Exhibit A, pp. 5-11)
2. On December 6, 2024, a Verification Checklist was issued to Petitioner requesting verification income from employment for the last 30 days as well verification of loss of income with a due date of December 16, 2024. (Exhibit A, pp. 12-14)
3. Petitioner submitted the verifications of December 10, 2024. (Exhibit A, pp. 4 and 15)

4. On December 13, 2024, the Department also verified Petitioner's employment income and end of employment with a report from The Work Number. (Exhibit A, pp. 19-23)
5. On December 13, 2024, a Notice of Case Action was issued stating Petitioner's FAP benefits would increase to \$1,390.00 per month effective January 1, 2025. (Exhibit A, pp. 24-28)
6. On December 20, 2024, Petitioner submitted a hearing request contesting the Department's determination that her FAP benefits would not increase until January 2025. (Exhibit A, p. 4)

### **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.

For FAP, the Department is to act on a change by means reported other than a tape match within 10 days of becoming aware of the change. BAM 220, November 1, 2023, p. 7. Changes which result in an increase in the household's benefits must be effective no later than the first allotment issued 10 days after the date the change was reported, provided that any necessary verification was returned by the due date. BAM 220, November 1, 2023, p. 7.

In this case Petitioner, reported the change in her employment income on the [REDACTED] 2024 FAP application. Specifically, Petitioner reported that she had to quit her job on [REDACTED] 2024. (Exhibit A, pp. 5-11). This change resulted in an increase in Petitioner's monthly FAP allotment effective January 1, 2025. (Exhibit A, pp. 4, 16-18 and 24-25).

Petitioner asserts that the increase should be effective December 1, 2024 because her job ended in [REDACTED] 2024. However, pursuant to the above BAM 220 policy, the effective date of the increase is based on when the change is reported. Specifically, changes which result in an increase in the household's benefits must be effective no later than the first allotment issued 10 days after the date the change was reported, provided any necessary verification was returned by the due date. The evidence shows that Petitioner returned the verification by the due date. (Exhibit A, pp. 4 and 12-15).

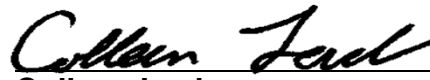
The change was reported on the [REDACTED] 2024 FAP application. The first allotment issued 10 days after the date this change was reported would be the allotment for January 2025.

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.

**DECISION AND ORDER**

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

CL/pt



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**Colleen Lack**  
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

