

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

IN THE MATTER OF:

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Reg. No.: 15-011825
Issue No.: 3002
Case No.: ██████████
Hearing Date: August 17, 2015
County: Macomb-District 12

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Claimant'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; 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 August 17, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and ██████████, Claimant's wife. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Hearing Facilitator.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case?

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 April 16, 2015, Claimant applied for FAP and was approved for expedited FAP benefits.
2. On April 17, 2015, the Department sent Claimant a Verification Checklist (VCL) requesting, among other things, verification of Claimant's wife's bank account, by April 27, 2015.
3. Claimant did not submit the bank account verification.
4. On May 20, 2015, the Department sent Claimant a Notice of Case Action notifying him that his FAP case was closing effective June 1, 2015, because he had failed to verify requested information. The notice also advised Claimant that his case was subject to a child support sanction effective June 1, 2015.

5. On June 29, 2015, Claimant filed a request for hearing disputing the Department's actions concerning his FAP benefits.

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.

Although the May 20, 2015, Notice of Case Action notified Claimant that his FAP case was closing due to his failure to provide a number of requested verifications, the Department testified in its hearing summary that it had received a many of the requested verifications but closed Claimant's FAP case because he failed to verify residence and his wife's checking account. At the hearing, the Department clarified that, while it erred to the extent it closed the FAP case for failure to verify residence, it properly closed the case for failure to verify the bank account.

In order to be eligible for FAP, a client may not have assets, which includes the value of cash in bank accounts, in excess of the asset limit. BEM 400 (April 2015), pp. 1, 14. For FAP, the asset limit is \$5000. BEM 400, p. 5. The Department must verify assets at application, redetermination and when a change is reported. BEM 400, p. 57.

In this case, the Department sent Claimant a Verification Checklist (VCL) on April 17, 2015, requesting, in part, verification of Claimant's wife's checking account by April 27, 2015. At the hearing, Claimant admitted that he had not provided this requested verification. Because Claimant failed to verify the bank account, the Department acted in accordance with Department policy when it closed Claimant's FAP case.

At the hearing, Claimant also indicated that he was concerned about the child support sanction referenced in the May 20, 2015 Notice of Case Action, which he believed was applied in error. The Department testified that its records showed that Claimant was in compliance with child support reporting requirements as of the hearing date. However, because the Department properly closed Claimant's FAP case effective June 1, 2015 due to failure to verify, the child support sanction, which the Notice of Case Action

indicated would apply beginning June 1, 2015, was never applied to Claimant's FAP case. As such, Claimant's FAP case was not affected by the sanction.

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 closed Claimant's FAP case.

DECISION AND ORDER

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



Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **8/21/2015**

Date Mailed: **8/21/2015**

ACE / tlf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

cc:

[REDACTED]