

**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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MAHS Reg. No.: 15-019996
Issue No.: 3002
Agency Case No.: ██████████
Hearing Date: December 14, 2015
County: Wayne-District 19 (Inkster)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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; 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 December 14, 2015, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by ██████████, Hearings Facilitator.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case on the basis that she failed to verify requested information?

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. In connection with a redetermination, Petitioner's eligibility to receive FAP benefits was reviewed.
3. On October 6, 2015, the Department sent Petitioner a Verification Checklist (VCL) instructing her to submit: proof of self-employment income for herself and her husband; proof of residential address; mortgage; and checking account information for herself and her husband by October 16, 2015. (Exhibit A)
4. On October 16, 2015, the Department sent Petitioner a Notice of Case Action informing her that effective October 2, 2015, ongoing, her FAP eligibility had been

denied on the basis that she failed to provide proof of assets and failed to verify information necessary to determine eligibility for FAP benefits. (Exhibit B)

5. On October 22, 2015, Petitioner requested a hearing disputing the Department's actions.

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.

Additionally, the Department must periodically redetermine an individual's eligibility for active programs. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (July 2015), p 1. Redetermination, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210, p.1. Additional verifications are usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (July 2015), p.1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. With respect to FAP cases, clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, pp.6-7. The Department sends a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, pp.6- 7. However, FAP benefits stop at the end of the benefit period unless a redetermination is completed, all verifications are received and a new benefit period is certified. BAM 210, p 2.

In this case, the Department testified that in connection with the redetermination that was submitted by Petitioner, it sent her a VCL instructing her to submit requested verifications by October 16, 2015. (Exhibit A). The Department stated that on October 16, 2015, it timely received proof of Petitioner's driver's license; business bank account information from Huntington and Comerica; check stubs; and proof of employment for Petitioner. The Department testified that because it did not receive proof of employment/self-employment income information for Petitioner's husband or proof of a

personal bank account from Huntington that was on Petitioner's case, it sent Petitioner a Notice of Case Action informing her that her FAP case was closed. (Exhibit B)

At the hearing, Petitioner confirmed receiving the VCL and stated that she had an appointment/interview with her case worker on October 13, 2015, during which she provided the Department with a letter verifying that her personal Huntington bank account was closed and that she provided bank asset information and business receipts for her husband. Petitioner stated that although she went to her appointment/interview with the case worker on October 13, 2015, she received a letter informing her that she missed her appointment. Petitioner stated that on October 16, 2015, she resubmitted the requested verifications to the Department, which the Department confirmed receiving. Petitioner maintained that she provided the Department with business receipts for her husband and the letter confirming the bank account closure, which are the proofs the Department asserted were not received. The Department representative present for the hearing confirmed that Petitioner's case file did indicate that an appointment was scheduled for October 13, 2015. The Department representative present for the hearing was not Petitioner's assigned case worker, so her testimony concerning the October 13, 2015, appointment and submission of verifications was unrefuted.

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 closed Petitioner's FAP case on the basis that she failed to verify requested information.

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. Reinstate Petitioner's FAP case effective October 2, 2015;
2. Issue FAP supplements to Petitioner from October 2, 2015, ongoing; and
3. Notify Petitioner of its decision in writing.



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **12/17/2015**

Date Mailed: **12/17/2015**

ZB / 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]
[REDACTED]
[REDACTED]
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