



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 21, 2016
MAHS Docket No.: 16-001831
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on March 16, 2016, from Lansing, Michigan. Participants on behalf of Petitioner included [REDACTED]. [REDACTED] (Hearing Facilitator) represented the Department of Health and Human Services (Department).

ISSUE

Did the Department of Health and Human Services (Department) properly closed the Petitioner's 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 September 30, 2015, the Department received the Petitioner's Food Assistance Program (FAP) application.
2. On October 1, 2015, the Department approved the Petitioner for expedited Food Assistance Program (FAP) benefits.
3. On October 1, 2015, the Department sent the Petitioner a Verification Checklist (DHS-3503) with an October 12, 2015, due date.
4. On December 17, 2015, the Department received the Petitioner's Food Assistance Program (FAP) application.

5. On December 17, 2015, the Department notified the Petitioner that it had closed her Food Assistance Program (FAP) benefits as of November 1, 2015, and approved her for expedited benefits as of December 17, 2015.
6. On December 17, 2015, the Department sent the Petitioner a Verification Checklist (DHS-3503) with a December 28, 2015, due date.
7. On December 30, 2015, the Department notified the Petitioner that it would close her Food Assistance Program (FAP) benefits as of February 1, 2016.
8. On February 3, 2016, the Department received the Petitioner's request for a hearing protesting the denial of her Food Assistance Program (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.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (July 1, 2015), p 8.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (July 1, 2015), pp 1-9.

The purpose of FAP expedited service is to help the neediest clients quickly. With expedited FAP benefits, certain processing requirements and actions are deferred due to the shortened standard of promptness. Food Assistance groups that did not provide all required verifications will not be issued benefits for subsequent months until the FAP

group provides the waived verification or completes a redetermination. Department of Health and Human Services Bridges Eligibility Manual (BEM) 117 (July 1, 2014), pp 1-7.

On September 30, 2015, the Department received the Petitioner's FAP application. On October 1, 2015, the Department approved the Petitioner for expedited FAP benefits. On December 17, 2015, the Department notified the Petitioner that it would close her FAP benefits as of November 1, 2015, for failing to respond to an October 1, 2015, Verification Checklist (DHS-3503) form. On December 17, 2015, the Petitioner reapplied for FAP benefits and the Department sent her another Verification Checklist (DHS-3503) form due December 28, 2015. On December 30, 2015, the Department had still not received all the required verification material necessary to accurately determine the Petitioner's eligibility for continuing benefits and it notified her that it would close her FAP benefits as of February 1, 2016.


This Administrative Law Judge finds that the Petitioner had a duty to provide the Department with certain verification documents necessary to determine her eligibility for continuing benefits following her approval for expedited FAP. No evidence was provided that the Petitioner provided the documents that were requested in a timely manner.

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 the Petitioner's Food Assistance Program (FAP) benefits.

DECISION AND ORDER

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

KS/las



Kevin Scully
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

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 Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS 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. MAHS will not review any response to a request for rehearing/reconsideration.

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

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]