



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: May 23, 2016
MAHS Docket No.: 16-005023

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 May 18, 2016, from Lansing, Michigan. The Petitioner was represented by herself and the Petitioner's father, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly deny the Petitioner's Food Assistance Program (FAP) application due failure to submit the required redetermination verifications by the due date?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner applied for FAP benefits on March 15, 2016. Department Exhibit 2-17.
2. On March 17, 2016, the Department sent the Petitioner a Verification Checklist, DHS 3503, with a due date of March 28, 2016. Department Exhibit 18-21.

3. On April 4, 2016, the Department sent the Petitioner a notice that she was denied FAP benefits because she failed to submit the required verification to determine FAP eligibility. Department Exhibit 23-24.
4. On April 15, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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.

In this case, the Petitioner applied for FAP benefits on March 15, 2016. Department Exhibit 2-17. On March 17, 2016, the Department sent the Petitioner a Verification Checklist, DHS 3503, with a due date of March 28, 2016. Department Exhibit 18-21. On April 4, 2016, the Department sent the Petitioner a notice that she was denied FAP benefits because she failed to submit the required verification to determine FAP eligibility. Department Exhibit 23-24. On April 15, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 105, 30, 200, 210, 220, and 600. BEM 400 and 500.

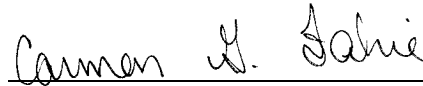
During the hearing, the Department stated that they did not receive the bank verification from [REDACTED] by the required due date. The Petitioner did attend the pre-hearing conference and provided the required verification to [REDACTED] bank on April 25, 2016. Since the required verification was submitted within 60 days of her application, the Department was able to process her application with a begin date of April 25, 2016.

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 denied the Petitioner's FAP application because she failed to submit the required verification by the due date.

DECISION AND ORDER

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

CF/db



Carmen G. Fahie
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

██████████

████████████████████
████████████████████
████████████████████ ██████████

██████████████████

████████████████████
████████████████████
████████████████████ ████████████████████