



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: May 23, 2016
MAHS Docket No.: 16-005321
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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, [REDACTED], was represented by his Authorized Representative (AR), [REDACTED]. The Department of Health and Human Services (Department) was represented by Eligibility Specialist, [REDACTED] and Family Independence Manager, [REDACTED].

The following exhibits were offered and admitted into evidence:

Department: A--February 23, 2016, Verification Checklist.
B--February 26, 2016, Notice of Case Action.
C--April 24, 2016, Assistance Application and verifications received.

Petitioner: Departmental forms and Verifications.

ISSUE

Did the Department properly take action to deny the Petitioner's application for Family Independence Program (FIP) and to close the Petitioner's Food Assistance Program (FAP) case, due to the Petitioner's failure to submit the required verification?

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 was an ongoing recipient of monthly FAP benefits in the amount of \$ [REDACTED]
2. On February 2, 2016, the Petitioner applied for FIP benefits.
3. On February 26, 2016, the Department sent the Petitioner a Notice of Case Action informing the Petitioner that his application for FIP was denied March 1, 2016-ongoing and that his FAP program was closed April 1, 2016 ongoing.
4. On April 20, 2016, the Department received the Petitioner's written hearing request protesting the closure of his FAP case the denial of his FIP application.
5. During the hearing, it was not contested that the Petitioner's AR was not sent the Verification Checklist or the Notice of Case Action. As such, the Department was instructed to submit the assistance application at issue. The Department submitted an application dated April 24, 2016, subsequent to the negative action. This Assistance Application clearly indicates that the Petitioner's AR electronically signed the Assistance Application as the Petitioner's Filing Representative.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

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, when asked for evidence of whether or not the Petitioner's AR is actually the Petitioner's AR, the Department submitted an Assistance Application that is subsequent to the negative action. For the purposes of this decision, this Administrative Law Judge concludes, based on the Department's testimony at the hearing which is consistent with the Assistance Application which was submitted, that the Petitioner's AR is actually the Petitioner's Filing Representative. Bridges Administrative Manual (BAM) 110 (2016) p. 9 provides that, an authorized representative (AR) is a person who

applies for assistance on behalf of the client and/or otherwise acts on his behalf (for example, to obtain FAP benefits for the group). The AR assumes all the responsibilities of a client; see BAM 105. AR's must give their name, address, and title or relationship to the client. To establish the client's eligibility, they must be familiar enough with the circumstances to complete the application, answer interview questions, and *collect needed verifications*. This Administrative Law Judge concludes that the Petitioner's Filing Representative is also the Petitioner's AR.

It is not contested in this case that the Department did not send verification checklists and a Notice of Case Action to the AR. Because the Department did not send Verification Checklists and Notice of Case Action to the Petitioner's AR, this Administrative Law Judge concludes that the Department was not acting in accordance with its policy when taking action to deny the Petitioner's FIP application and close the Petitioner's FAP case.

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 took action to deny the Petitioner's FIP application and to close the Petitioner's FAP case.

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, INCLUDING ISSUING A NEW ELIGIBILITY DETERMINATION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine the Petitioner's FIP eligibility back to March 1, 2016 and redetermine the Petitioner's eligibility for FAP back to April 1, 2016, and
2. In that process notify the Petitioner's AR of the required verification, in writing, and
3. Issues the Petitioner any supplement he may thereafter be due, and
4. The Petitioner retains the right to request a hearing on the new eligibility determination.



SH/nr

Susanne E. Harris
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]

Petitioner

[REDACTED]