



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: June 14, 2016
MAHS Docket No.: 16-002552
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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, an in person hearing was held on May 10, 2016 at the Washtenaw County DHHS Office. Petitioner appeared and testified. Eligibility Specialist [REDACTED] and Assistance Payments Supervisor [REDACTED] appeared for the Department and testified. Department's Exhibit A, pages 1-23 was admitted into evidence. Petitioner's Exhibit 1, pages 1-52 was admitted into evidence.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) on February 1, 2016?

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 Food Assistance Program (FAP) benefits. Her Food Assistance Program (FAP) eligibility was due for re-determination by January 31, 2016.
2. On December 1, 2015, Petitioner was sent a Semi-Annual Contact Report (DHS-1046) for her Food Assistance Program (FAP). The form and any required verifications were due back on January 1, 2016. The form specifically stated that it had to be returned with verifications by January 1, 2016 or her Food Assistance Program (FAP) would close effective January 31, 2016.

3. On January 8, 2016, Petitioner submitted an application for Child Development and Care (CDC) and State Emergency Relief (SER) benefits.
4. On January 26, 2016, Petitioner was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) would close on February 1, 2016.
5. On February 5, 2016, Petitioner submitted the Semi-Annual Contact Report (DHS-1046) for her Food Assistance Program (FAP). A Verification Checklist (DHHS-3503) was sent to Petitioner for her Food Assistance Program (FAP). The verifications were due back on February 16, 2016.
6. On February 25, 2016, Petitioner submitted a hearing request regarding her Food Assistance Program (FAP), Child Development and Care (CDC) and State Emergency Relief (SER).
7. On March 7, 2016, Petitioner was sent a State Emergency Relief Decision Notice (DHS-1419) denying her State Emergency Relief (SER) application.
8. On March 7, 2016, Petitioner was sent a Verification Checklist (DHHS-3503) for her Child Development and Care (CDC) application.
9. On March 29, 2016, Petitioner was sent a Notice of Case Action (DHS-1605) which stated her Child Development and Care (CDC) application was denied.

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).

Food Assistance Program (FAP)

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 Petitioner was sent a Notice of Case Action (DHS-1605) on January 26, 2016 which stated her Food Assistance Program (FAP) would close on February 1, 2016. Petitioner submitted this hearing request on February 25, 2016 which is within the 90 calendar day jurisdictional limitation of Bridges Administration Manual (BAM) 600 Hearings.

Petitioner does not dispute that she had not submitted the Semi-Annual Contact Report (DHS-1046) prior to January 31, 2016. Therefore the Department's closure of Petitioner's Food Assistance Program (FAP) on February 1, 2016 was a correct action.

Child Development and Care (CDC)

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

In this case Petitioner submitted the hearing request on February 25, 2016, before any eligibility determination was made on her January 8, 2016 application. In accordance with Bridges Administration Manual (BAM) 600 Hearings, there is no jurisdiction over issues of Petitioner's January 8, 2016 Child Development and Care (CDC) application. Petitioner was informed that she may submit a hearing request within 90 calendar days of the March 29, 2016 Notice of Case Action (DHS-1605) she was sent about the Child Development and Care (CDC) application.

State Emergency Relief (SER)

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

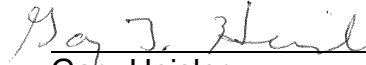
In this case Petitioner submitted the hearing request on February 25, 2016, before any eligibility determination was made on her January 8, 2016 application. In accordance with Bridges Administration Manual (BAM) 600 Hearings, there is no jurisdiction over issues of Petitioner's January 8, 2016 State Emergency Relief (SER) application. Petitioner was informed that she may submit a hearing request within 90 calendar days of the March 7, 2016 State Emergency Relief Decision Notice (DHS-1419) she was sent about the State Emergency Relief (SER).

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 Petitioner's Food Assistance Program (FAP) on February 1, 2016.

DECISION AND ORDER

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

GH/nr



Gary Heisler
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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]