



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.: 16-005257
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 May 19, 2016, from Detroit, Michigan. The Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case?

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 January 2016, Petitioner's son, an adult member of the household became employed at [REDACTED] (Exhibit C)
3. On February 19, 2016, the Department sent Petitioner a New Hire Client Notice (New Hire) regarding her son's employment that she was instructed to complete and return to the Department with any paystubs by February 29, 2016. (Exhibit A)
4. Petitioner did not complete and return the New Hire to the Department by February 29, 2016.

5. On March 4, 2016, the Department sent Petitioner a Notice of Case Action (Notice) advising her that effective April 1, 2016, her FAP case would be closed on the basis that she failed to verify requested information. (Exhibit B)
6. On April 13, 2016, Petitioner requested a hearing disputing the closure of her FAP case.

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 routinely matches recipient data with other agencies through automated computer exchanges. BAM 807 (January 2016), p.1. The State New Hires Match is a daily exchange of information collected to determine current income sources for active clients of Department issued benefits. BAM 807, p. 1. For State New Hire matches, if the employment has not been previously reported, the Department is to request verification of the employment by sending the client a DHS-4635 New Hire Notice. BAM 807, p.1. Clients are given 10 calendar days to provide verification from the date the forms were requested. If verifications are not returned by the 10th day, the appropriate case action will need to be initiated to close the case in Bridges. If the client reapplies, the date of the new application will determine if the New Hire verification must be returned before processing the new application. BAM 807, p. 2.

In this case, the Department testified that because it did not receive the completed New Hire form from Petitioner by the February 29, 2016, due date, it initiated the closure of Petitioner's FAP case by sending her a Notice of Case Action advising of the case closure effective April 1, 2016. (Exhibit B). The Department stated that as of the hearing date, Petitioner had still not completed the New Hire forms or submitted verification of her son's employment with Work Skills.

Petitioner confirmed that she did not complete and return the New Hire form by the due date. Petitioner stated that she did not receive the New Hire, which is why she didn't complete it and stated that it may have just been an oversight, as she received the

Notice of Case Action. Petitioner confirmed that the mailing address to which the New Hire was sent was her correct mailing address and stated that she was not having any reported mail problems, thus, the New Hire is presumed to have been received, as Petitioner did not present sufficient evidence to rebut this presumption. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976).

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 because Petitioner did not complete and return the New Hire by the due date, the Department acted in accordance with Department policy when it closed Petitioner's FAP case effective April 1, 2016. Petitioner is informed that she is entitled to submit a new application for FAP benefits to have her current eligibility determined.

DECISION AND ORDER

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



ZB/tlf

Zainab Baydoun

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

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]