



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: [REDACTED]  
MAHS Docket No.: 16-006706  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton**

### **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 [REDACTED], from Detroit, Michigan. The Petitioner was represented by [REDACTED], Petitioner's wife and group member. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator. [REDACTED] serviced as the Arabic Interpreter for the hearing

### **ISSUE**

Did the Department properly close Petitioner's FAP and MA benefits effective [REDACTED] for failing to return requested verifications?

### **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 FAP and MA recipient.
2. On [REDACTED], the Department sent Petitioner a Verification Checklist (VCL) requesting that Petitioner provide the last 30 days of check stubs or earnings and current statement from bank or financial institution.
3. Petitioner returned one pay stub and a current bank statement.

4. On [REDACTED] the Department sent Petitioner a Health Care Determination Notice which informed Petitioner that the group's MA benefits would close effective [REDACTED].
5. Also on [REDACTED], the Department sent Petitioner a Notice of Case Action which informed Petitioner that the group's FAP benefits would close effective [REDACTED].
6. On [REDACTED], Petitioner's wife and group member filed a Request for Hearing disputing the Department's actions.

### 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, verifications are usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2016), p. 1. On [REDACTED], Petitioner submitted a Redetermination. On [REDACTED] the Department sent Petitioner a VCL requesting the last 30 days of earnings and a current bank statement. The Department testified that it sent Petitioner a Health Care Coverage Determination Notice and a Notice of Case Action on [REDACTED] because Petitioner only returned one pay stub, dated [REDACTED].

Petitioner's wife explained that her husband did not have paystubs for the requested timeframe because he did not work. Petitioner further testified that the [REDACTED] paystub was the most recent paystub at the time the information was due. The Department confirmed that it timely received Petitioner's bank statement. As such, it is found that Petitioner complied with the requirements of the VCL to the best of his ability. There was no additional information to be provided to the Department in the requested timeframe.

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 closed Petitioner's MA and FAP benefits for failure to return requested information.

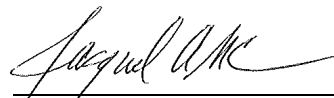
**DECISION AND ORDER**

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, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstatement of Petitioner's FAP benefits effective [REDACTED], ongoing;
2. Issue FAP supplements Petitioner was eligible to receive but did not effective [REDACTED], ongoing;
3. Reinstatement of Petitioner's MA benefits effective [REDACTED], ongoing;
4. Issue MA supplements Petitioner was eligible to receive but did not effective [REDACTED], ongoing; and
5. Notify Petitioner in writing of its decision.

JM/hw



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**Jacquelyn A. McClinton**

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 [REDACTED]; 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]