



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: July 20, 2016  
MAHS Docket No.: 16-007616  
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 June 23, 2016, from Lansing, Michigan. The Petitioner, [REDACTED] [REDACTED] appeared and testified. The Department of Health and Human Services (Department) was represented by Hearing Facilitator, [REDACTED] [REDACTED]

### **ISSUE**

Did the Department properly take action to deny the Petitioner's redetermination application for Food Assistance Program (FAP) benefits?

### **FINDINGS OF FACT**

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

1. On April 11, 2016, the Petitioner was mailed a Redetermination for his FAP program, scheduling a telephone interview for May 3, 2016.
2. On May 3, 2016, the Petitioner reported that he had assets. The Department did then send the Petitioner a verification checklist for verification of shelter expenses and assets, due back by May 13, 2016.
3. On May 19, 2016, the Department had not received the verifications needed to complete the redetermination. A Notice of Case Action was sent to the Petitioner, informing the Petitioner that his FAP case would close effective July 1, 2016.

4. On May 31, 2016, the Petitioner submitted a bank statement without a name or account number on it. The Petitioner indicated that, if his FAP case could not be reopened, to consider this document a request for hearing, protesting the closure of his 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, Bridges Administrative Manual (BAM) 210 (2016) p. 1, provides that a complete redetermination is required at least every 12 months. For FAP, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. Also, BAM 130 (2016) p. 1, provides that verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility for benefit level. If the individual indicates the existence of a disability that impairs their ability to gather verifications and information necessary to establish eligibility for benefits, offer to assist the individual and the gathering of such information.

The Department is to allow 10 calendar days for the client to provide the verification that is requested. Verifications are considered to be timely if received by the date they are due. The client must obtain required verification, but the local office must assist if they need and request help. BAM 130 p. 3. Department workers are instructed to send a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130 p. 7.

For FAP only, if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, assist the client with the verifications but do not grant an extension. Explain to the client they will not be given an extension and their case will be denied once the verification checklist due date is passed. The Department workers also to explain to the client their eligibility will be based on their compliance date if they return required verifications. The application is to be reregistered if the client complies within 60 days of the application date. BAM 130 p. 7.

A **collateral contact** is a direct contact with a person, organization or agency to verify information from the client. It might be necessary when documentation is not available or when available evidence needs clarification. BAM 130 p. 3.

In this case, the Petitioner expressed that he informed his worker that it would take time to get the bank statement, but he was not given any time to get it and his bank is in Texas. The Petitioner's testimony in this regard is found to be credible and persuasive, as it is logical and consistent with what the Petitioner has written in his hearing request at the time he submitted what he thought was sufficient verification. Furthermore, the Petitioner indicated that he is disabled because of a herniated disc in his back, carpal tunnel, diabetes, and bipolar disorder with schizophrenic tendencies. This Administrative Law Judge concludes, that when the Petitioner expressed he would have difficulty obtaining the required verification on time, the Petitioner's caseworker should have assisted the Petitioner in obtaining the verification, likely by making a collateral contact.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it took action 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 eligibility for FAP back to July 1, 2016, and
2. Issue the Petitioner any supplement that the Petitioner made thereafter be due, and
3. The Petitioner retains the right to request a hearing on the new eligibility determination.

SH/nr

  
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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]