



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.: 16-007997
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 July 14, 2016, from Lansing, Michigan. The Petitioner, [REDACTED] [REDACTED] appeared and testified. The Department of Health and Human Services (Department) was represented by Family Independence Manager, [REDACTED] [REDACTED] and Eligibility Specialist, [REDACTED] [REDACTED]

ISSUES

Did the Department properly close the Petitioner's Family Independence Program (FIP) and Food Assistance Program (FAP) for failure to submit the required 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. On April 14, 2016, the Petitioner was sent a Verification Checklist, requesting verification of her pregnancy and due date, home rent, checking account and employment. She was also sent two verification of employment forms, one for [REDACTED] and the other for [REDACTED]. The verifications were due by April 25, 2016.
2. It is not contested that the Petitioner never submitted verification of her loss of employment from [REDACTED], nor did she submit verification of her due date and bank account.

3. On May 3, 2016, the Department sent the Petitioner a Notice of Case Action informing the Petitioner that her application for FIP was denied and her FAP case had closed.
4. On May 17, 2016, via email, the Petitioner inquired as to why it was she was not receiving her benefits.
5. On June 13, 2016, the Petitioner submitted a request for hearing.

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.

At the onset of the hearing, the Petitioner testified that her FAP issue had been resolved and she withdrew her request for hearing on that issue. Therefore, the request for hearing on the FAP issue is hereby **DISMISSED**.

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. The Department must tell the client what verification is required, how to obtain it and the due date using the DHS 3503, Verification Checklist to request verification. The client must obtain required verification, but the local office must assist if they need in request help.

In this case, it is not contested that the required verification was not submitted in the time allotted and that the Petitioner did not ask for any assistance in obtaining or submitting verification. Indeed, the Petitioner testified that she is [REDACTED] years old and has a college degree from [REDACTED] in [REDACTED]. When this

Administrative Law Judge inquired as to why it was she did not seek further assistance from her department worker when nearing and surpassing the due date for her verifications, the Petitioner testified that she was very pregnant and “couldn’t be bothered, I was overdue.”

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. 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. In this case, the Administrative Law Judge concludes that the time period given in which to submit the verifications had lapsed and the Petitioner made no effort to provide the verification. As such, this Administrative Law Judge concludes that the Department was acting in accordance with the policy when taking action to close the Petitioner’s FIP case.

DECISION AND ORDER

Accordingly, the request for hearing on the FAP issue is hereby **DISMISSED**, and the Department’s decision regarding the FIP is **AFFIRMED**.



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]