



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: August 26, 2016
MAHS Docket No.: 16-010161
Agency No.: ██████████
████████████████████

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 August 17, 2016, from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by ██████████, Hearing 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. On May 31, 2016, the Department sent Petitioner a New Hire Client Notice requesting that information concerning Petitioner's husband's employment at ██████████ be provided to the Department by June 10, 2016 (Exhibit C).
3. The New Hire Client Notice was returned by the post office as undeliverable on May 31, 2016 and on June 15, 2016 (Exhibit E).

4. A completed New Hire Client Notice was not received by the Department at any time prior to August 1, 2016.
5. On July 14, 2016, the Department sent Petitioner a Notice of Case Action notifying her that her FAP case was closing effective August 1, 2016 for failure to verify requested information (Exhibit D).
6. On July 20, 2016, the Department received Petitioner's request for hearing disputing the closure of her FAP case (Exhibit A).

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.

Petitioner requested a hearing disputing the closure of her FAP case. The July 14, 2016 Notice of Case Action advised Petitioner that her FAP case was closing effective August 1, 2016 because she had failed to verify requested information. At the hearing, the Department explained that the information at issue was the New Hire Client Notice sent to Petitioner on May 31, 2016 and due on June 10, 2016.

When an active FAP recipient has failed to report employment and the Department becomes aware of the employment pursuant to a State New Hire Match, a daily data exchange of information where Michigan employers report new employees within 20 days of the hire date, the Department is required to request verification by generating a DHS-4635, New Hire Client Notice. BAM 807 (July 2016), p. 1. If verifications are not returned by the tenth day, case action will need to be initiated to close the client's cases. BAM 807, p. 2.

In this case, the Department established that it sent Petitioner a New Hire Client Notice on May 31, 2016 at her [REDACTED] address concerning her husband's employment at [REDACTED] and requesting that the completed document be returned by June 10, 2016. The post office returned the notice to the Department as undeliverable. At the hearing, Petitioner confirmed that she never received the New Hire Client Notice sent to her at

her [REDACTED] address. She explained that she left the [REDACTED] address on May 24, 2016 and moved in with a friend before moving into a home on [REDACTED] on June 17, 2016. The evidence at the hearing established that the Department was aware of eviction proceedings against Petitioner concerning the home at [REDACTED], but Petitioner admitted that, after she left the [REDACTED] home, she did not update the Department by providing her friend's address or a post office box she used to receive mail. She did not notify the Department of the [REDACTED] Street address until she submitted her July 17, 2016 request for hearing.

Because as of May 31, 2016, when the Department sent the New Hire Client Notice to Petitioner, Petitioner had identified the [REDACTED] address as her address of record and she did not provide any updated address to the Department before July 17, 2016, the Department properly sent the Notice to the [REDACTED] address. Because Petitioner did not return a completed New Hire Client Notice to the Department by the June 10, 2016 due date (or at any time prior to the August 1, 2016 case closure), the Department properly initiated case closure by sending Petitioner a July 14, 2016 Notice of Case Action notifying her that her FAP case would close effective August 1, 2016.

At the hearing, Petitioner testified that she did not report her husband's employment at [REDACTED] because he only worked there for a week. Department policy anticipates that a client with an active FAP case complete a New Hire Client Notice when one is sent. See BAM 807, p. 3. Therefore, the fact that Petitioner's husband's employment did not last more than a week would not preclude the case closure due to failure to return the completed form when the employment was not reported.

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 FAP case for failure to return a completed New Hire Client Notice.

DECISION AND ORDER

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

ACE/tlf



Alice C. Elkin
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]

Via Electronic Mail:

[REDACTED]