



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: September 1, 2016
MAHS Docket No.: 16-010298
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 August 24, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Hearing Facilitator. There was no participation by the Office of Child Support (OCS).

ISSUE

Did the Department properly deny Petitioner's application for 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 [REDACTED], Petitioner applied for FAP benefits.
2. On [REDACTED], the Department sent Petitioner a Notice of Case Action which notified Petitioner that her application for FAP benefits had been denied for failing to verify checking account information, and failing to cooperate with the OCS.
3. On [REDACTED], Petitioner 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, the Department is required to periodically redetermine or renew an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. BAM 210 October 2015), p. 1. In this case, the Department presented an application for FAP benefits submitted by Petitioner on [REDACTED]. The Department testified that it sent Petitioner a VCL on [REDACTED], requesting proof of savings and checking account information as well as proof of loss of employment. The Department indicated that it was able to obtain information supporting loss of employment. The Department further indicated that Petitioner provided her savings account information but did not provide her checking account information.

Petitioner confirmed that she failed to provide her checking account information. Petitioner testified that the request for checking account information was on the reverse side of the document and that she did not read the reverse side of the document. Petitioner's failure to completely read the VCL does not provide a basis upon which good cause can be found.

The Department testified that Petitioner's application was also denied because her case had been placed in non-cooperation status on [REDACTED] for failing to cooperate with the OCS. Additionally, Department policy requires the custodial parent of children to comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (April 1, 2015), p. 1.

Petitioner stated that she did not know the identity of the father of her youngest child. At the hearing, Petitioner stated that she had multiple partners during the period of conception. Petitioner acknowledged knowing the first name of her partners but indicated that she did not know any of the last names. Petitioner indicated that she could identify where she initially met each of her partners. Petitioner further indicated that at one time, she had the telephone numbers of her partners.

Petitioner testified that she provided the first name of one of her intimate partners. Petitioner failed to provide the OCS with the first name of each of her partners. Petitioner failed to provide the telephone numbers for any of her partners. Petitioner failed to identify the place where she initially met one or more of her partners.

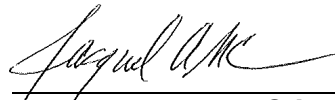
Although Petitioner indicated at the hearing that she was willing to provide additional information, the undersigned is required to determine whether the Department properly denied Petitioner's application for FAP benefits based on the circumstances at the time of application. It is found that Petitioner failed to verify her checking account information, as required, and failed to adequately cooperate with the OCS.

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 denied Petitioner's [REDACTED] application.

DECISION AND ORDER

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

JM/hw



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 (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

Department Representative

[REDACTED]

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]