



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: September 26, 2016
MAHS Docket No.: 16-012020
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 September 21, 2016, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Family Independence Manager [REDACTED]. Testimony was received from all participants. Department's Exhibit A, pages 1-23 was admitted into evidence.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) August 1, 2016 for failure to submit 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 an ongoing recipient of Food Assistance Program (FAP) benefits.
2. On June 27, 2016, Petitioner was sent a Notice of Case Action (DHHS-1605) which stated her Food Assistance Program (FAP) would close on August 1, 2016 for failure to provide verification of the amount of funds on her child support vendor prepaid card.
3. On July 21, 2016, Petitioner was sent a Verification Checklist (DHHS-3503) which requested verification of the vendor prepaid debit card. The verification was due on July 21, 2016.

4. On August 8, 2016, Petitioner made a verbal hearing request regarding her Food Assistance Program (FAP).

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.

In this case the verification at issue is a statement of Petitioner's vendor card account for child support payments submitted to her by Friend of the Court. Bridges Eligibility Manual (BEM) 400 Assets, under Verification Sources states:

Vendor Pre-Paid Debit Cards

Statement from the vendor or online printout which reflects the current account balance, (for example, Direct Express, ReliaCard, etc.).

Note: The client may have to pay for the statement.

ATM balance inquiry with sufficient information to support a match to the account. For example, the card number matches the printed digits on the ATM slip.

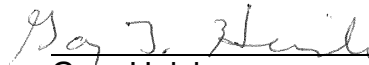
During this hearing Petitioner testified that she screen printed a copy of the required statement to her desk top and then uploaded it to MIBRIDGES. Petitioner testified that she believes that was on July 17, 2016. Petitioner had not evidence to present that any document was successfully uploaded. The Department's electronic case file listing (Pages 20 & 21) does not show that the required verification was submitted.

While Petitioner made an attempt to provide the required verification, the evidence in this record shows that the Department did not receive the verification within the required 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 acted in accordance with Department policy when it closed Petitioner's Food Assistance Program (FAP) August 1, 2016 for failure to submit verifications.

DECISION AND ORDER

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

GH/nr



Gary Heisler
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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]