



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: November 2, 2016
MAHS Docket No.: 16-014049
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 October 27, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] Eligibility Specialist and [REDACTED], Assistance Payment Supervisor.

ISSUE

Did the Department properly close Petitioner's FAP benefits for failure to return the New Hire Client Notice?

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 a recipient of FAP benefits.
2. On [REDACTED], the Department sent Petitioner a New Hire Client Notice, which was due to be returned on or before [REDACTED].
3. Petitioner returned the New Hire Client Notice on [REDACTED].
4. The Department did not show receipt of the New Hire Client Notice and on [REDACTED], it sent Petitioner a Notice of Case Action which informed

Petitioner that her FAP benefits would close effective October 2016 for failing to return the New Hire

5. 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 State New Hires Match is a daily data exchange of information collected by the Michigan New Hire Operations Center and obtained through the Office of Child Support. State New Hires information is used to determine current income sources for active MDHHS clients. BAM 807 (July 2016), p. 1. In this case, the Department became aware that Petitioner's son became employed. As a result, on [REDACTED], it sent Petitioner a New Hire Client Notice to be completed and returned on or before [REDACTED].

Petitioner acknowledged receipt of the New Hire Client Notice. Petitioner indicated that she requested and received permission to return the form on [REDACTED]. Petitioner stated that she returned to the form on [REDACTED] to a Department office that was different than her assigned office. Petitioner stated that she signed the book at the Department and left the completed form.

The Department testified that it did not show any record of the form being received and scanned into its system. At the hearing, Petitioner brought a copy of the form she submitted. The New Hire Client Form Petitioner brought to the hearing was signed by the employer on [REDACTED]. As such, it is found that Petitioner returned the form by the extended due date and that the form perhaps was misplaced. Accordingly, Petitioner's FAP benefits should not have been closed as she complied with the Department's directions.

DECISION AND ORDER

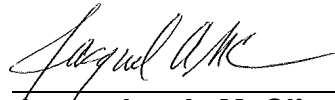
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it closed Petitioner's FAP benefits effective October 2016.

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, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstatement Petitioner's FAP benefits effective [REDACTED];
2. Redetermine Petitioner's eligibility for FAP benefits based upon the completed New Hire Client Notice;
3. Issue any supplements Petitioner was eligible to receive but did not effective [REDACTED]; and
4. Notify Petitioner of its decision in writing.

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

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]