



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 29, 2016
MAHS Docket No.: 16-015727
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 [REDACTED], from Detroit, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly close the Petitioner Food Assistance Program (FAP) case for failure to complete Redetermination?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Department sent the Petitioner a Redetermination for the Petitioner's FAP benefits on [REDACTED].
2. The Department closed the Petitioner's FAP case on [REDACTED], due to failure to verify dependent care expenses and bank statements. Exhibit A.
3. The Verification Checklist (VCL) dated [REDACTED] asked for verification of employment unknown and did not request verification of dependent care and bank statements. Exhibit A.

4. The Petitioner provided pay stubs to the Department by [REDACTED] Exhibit B.
5. The Petitioner requested a timely hearing on [REDACTED].

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 Department improperly closed the Petitioner's FAP case for failure to verify information during a redetermination review on [REDACTED]. The Department sent a Notice of Case Action to Petitioner on [REDACTED], closing the FAP case effective [REDACTED]. Thereafter, the Petitioner requested a hearing on [REDACTED], advising the Department he had completed all the verifications. The Department reinstated the Petitioner's case prior to the hearing but after the Petitioner's hearing request. The Petitioner's FAP case was pending for other verifications at the time of the hearing. Clearly the Department improperly closed the Petitioner's FAP case on [REDACTED], for verifications not received that were not requested by the Department's VCL. Given the reinstatement of the case, there is no issue at this time that remains to be determined by the undersigned.

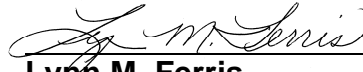
DECISION AND ORDER

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 the Petitioner's FAP case for failure to verify information it did not request; however, the FAP case has been reinstated and is pending; therefore, nothing further remains to be decided or determined.

Accordingly, the Petitioner's hearing request is hereby **DISMISSED**.

IT IS SO ORDERED.

LMF/jaf



Lynn M. Ferris
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.

DHHS



Petitioner

