



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: December 6, 2016
MAHS Docket No.: 16-016572
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 herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly deny the Petitioner's Food Assistance Program (FAP) application for failure to verify wage information?

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 Petitioner applied for FAP on [REDACTED].
2. The Department sent the Petitioner a Verification Checklist (VCL), dated [REDACTED], requesting the last 30 days of check stubs or earnings statements for herself and her husband. The verifications were due by [REDACTED]. Exhibit B.
3. The Petitioner timely provided her pay stubs and only one pay stub for her husband. Exhibit C.

4. The Department denied the Petitioner's FAP application on [REDACTED], for failure to provide proof of income for her husband, [REDACTED]. The denial date was [REDACTED]. Exhibit A.
5. The Department received the verifications for Petitioner's husband on [REDACTED].
6. 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 denied the Petitioner's [REDACTED], FAP application due to failure to complete the Department's request for Verification of the last 30 days of wage information regarding her husband. The Department sent the Petitioner a VCL, dated [REDACTED], due [REDACTED]. Exhibit B. The Department sent a Notice of Case Action, dated [REDACTED], denying the application, effective [REDACTED]. Exhibit A. The proofs presented by the Department confirmed that it received the Petitioner's last 30 days of pay stubs, but only received one pay stub of her husband by the VCL due date. The Department also testified that it received the pay stub information for the Petitioner's husband on [REDACTED].

Department policy provides that the Department must verify income at application for FAP benefits. BAM 130 (October 1, 2016), p. 1. In addition, it is clear that the Department must reregister an FAP application when the following occurs:

Subsequent Processing

FAP Only

Proceed as follows when a client completes the application process **after denial** but within 60 days after the application date.

On or before the 30th day:

- Re-register the application, using the **original** application date.
- If the client is eligible, determine whether to prorate benefits according to initial benefits policy in this item.

Between the 31st and 60th days:

- Re-register the application, using the date the client **completed** the process.
- If the client is eligible, prorate benefits from the date the client complied. BAM 115, pp. 23-24.

In this case, the Petitioner clearly provided the necessary wage verification for her husband on [REDACTED], and thus, completed the application process after application denial, but within 60 days. Under these circumstances, the Department must reregister the application and determine the Petitioner's eligibility for FAP as of [REDACTED], the date the Petitioner completed the verifications as requested.

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 properly denied the Petitioner's FAP application due to failure to provide the requested wage verification by the due date. It is also determined, based upon the facts presented, that the application must be reregistered due to the verification information being received within 60 days of the original application.

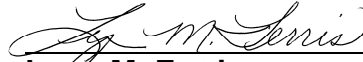
Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to the Department's denial of the [REDACTED], FAP application and **REVERSED IN PART** with respect to the Department's failure to reregister the application when verifications were received within 60 days.

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. The Department shall reregister the Petitioner's [REDACTED], application and determine Petitioner's eligibility.

2. The Department shall issue an FAP supplement if Petitioner is otherwise eligible for same in accordance with Department policy.

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 (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



Petitioner



Via email

