



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 25, 2016
MAHS Docket No.: 16-001215
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 March 17, 2016, from Detroit, Michigan. Petitioner appeared for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly process Petitioner's application for Food Assistance Program (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. Petitioner was an ongoing recipient of FAP benefits.
2. On an unverified date, Petitioner's FAP case closed.
3. On December 21, 2015, Petitioner submitted an application for FAP benefits.
4. On January 5, 2016, the Department sent Petitioner a Verification Checklist (VCL) instructing him to submit proof of his income by January 15, 2016. (Exhibit A)

5. Petitioner did not provide the Department with verification of his income by the January 15, 2016, due date listed on the VCL.
6. On January 19, 2016, The Department sent Petitioner a Notice of Case Action (Notice) advising him that his December 21, 2015, FAP application was denied on the basis that he failed to return verification of his income. (Exhibit B)
7. On January 21, 2016, the Department received two paystubs from Petitioner from pay dates December 2015 and January 2016 reflecting \$247.55 in pay.
8. On January 22, 2016, the Department sent Petitioner a Notice advising him that for the period of January 20, 2016, through January 31, 2016, he was approved for FAP benefits of \$39 and for the period of February 1, 2016, ongoing, he was approved for FAP benefits of \$181. (Exhibit E)
9. On February 2, 2016, Petitioner requested a 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.

In this case, Petitioner requested a hearing to dispute the Department's actions with respect to his FAP case. Petitioner clarified at the hearing that he was disputing the Department's processing of his December 21, 2015, FAP application. Petitioner raised two concerns at the hearing: the Department's failure to process his FAP application within seven days; and the Department beginning his FAP benefits effective January 20, 2016.

Petitioner asserted that because he indicated on his application that he was homeless, the Department was required to process his application and make an eligibility determination within seven days. It appears as though Petitioner argued he was entitled to FAP expedited service, however, upon further review of Department policy, Petitioner did not meet the expedited service criteria found in BAM 117, as he was employed and receiving income of more than \$150, based on the paystubs he provided. See BAM 117

(July 2014). Therefore, based on the evidence presented, the Department properly registered and processed Petitioner's FAP application within the applicable 30 day standard of promptness. BAM 110 (July 2015); BAM 115 (October 2015); BAM 220 (January 2016).

In this case, in connection with the FAP application submitted, the Department sent Petitioner a VCL requesting that he submit proof of his income January 15, 2016. The Department testified that because it did not receive any of the requested verifications by the due date, a Notice of Case Action was issued on January 19, 2016, denying the application based on a failure to submit proof of income. Although the VCL was sent to Petitioner's confirmed mailing address, he maintained that he did not receive the VCL and stated he was verbally informed to provide the requested income verifications.

It was established at the hearing that on January 21, 2016, Petitioner submitted two paystubs for his employment as a home help provider verifying his income for the months of December 2015 and January 2016. The Department stated that it processed the verifications and sent Petitioner a Notice advising him that he was approved for FAP benefits for the period of January 20, 2016, ongoing, based on the date the verifications were received. (Exhibit C; Exhibit E).

BAM 115 provides that if a client completes the application process after denial but within 60 days after the application date, the Department is to reregister the application using the original application date and if eligible, determine whether to prorate benefits according to the initial benefits policy, provided that the application process was completed on or before the 30th day. If the application process is completed between the 31st and 60th day, the Department is to reregister the application using the date the client completed the process and if eligible, prorate benefits from the date the client complied. BAM 115 (October 2015), pp.23-24.

In Petitioner's case, he completed the application process after 30 days, as he confirmed submitting the verifications to the Department on January 21, 2016. Therefore, the Department applied the correct subsequent processing policy and prorated the FAP benefits from the date in which the application process was completed.

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 processed Petitioner's FAP application.

DECISION AND ORDER

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



ZB/tlf

Zainab Baydoun
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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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