



RICK SNYDER  
GOVERNOR

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

MIKE ZIMMER  
DIRECTOR

[REDACTED]

Date Mailed: March 24, 2016  
MAHS Docket No.: 16-001303  
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 March 21, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Hearing Facilitator.

### **ISSUE**

Did the Department properly close Petitioner's FAP benefits effective December 1, 2015 for failure to verifying banking 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. Petitioner was an ongoing FAP recipient.
2. On [REDACTED], the Department sent a Redetermination to Petitioner which was required to be completed and returned by [REDACTED].
3. Petitioner did not receive the Redetermination and did not return same by the due date.
4. On [REDACTED] the Department sent Petitioner a Verification Checklist, requesting that banking information be returned on or before [REDACTED].

5. The Verification Checklist was returned to the Department as undeliverable.
6. On [REDACTED], the Department sent Petitioner a Notice of Case Action notifying him that his FAP closed effective December 1, 2015 for failing to verify banking information.
7. On [REDACTED], Petitioner submitted the previously requested banking information.
8. 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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

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 Michigan Department of Health & Human Services must periodically redetermine or renew an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. BAM 210 (October 2015), p. 1. Department policy also states that the group loses its right to uninterrupted FAP benefits if it fails to do any of the following:

- File the FAP redetermination by the timely filing date.
- Participate in the scheduled interview.
- Submit verifications timely, provided the requested submittal date is **after** the timely filing date.

In this case, the Department sent Petitioner a Redetermination on [REDACTED] 5 to be completed and returned on or before [REDACTED]. Petitioner testified that he has not resided at the address where the Redetermination was sent for the past two years. The Department also sent Petitioner a Verification Checklist to the same address and acknowledged that the Verification Checklist was returned as undeliverable. The Department testified that it did not receive the Redetermination returned as undeliverable. Petitioner maintained that he did not receive either document. However, Petitioner acknowledged receipt of the Notice of Case Action notifying him that his FAP benefits would close effective [REDACTED], which was sent to the same address as the Redetermination and Verification Checklist. It is entirely possible that Petitioner never received the Redetermination given that he did not receive the Verification Checklist.

Notwithstanding this, the Notice of Case Action sent by the Department informed Petitioner of the following:

If you comply with FAP requirements, such as providing verification(s) or completing the interview, within 30 days of the end of the benefit period, you may be eligible from the date requirements are met. You will need to reapply if verification(s) are not received or the interview is not completed within 30 days of [REDACTED].

The Notice of Case Action informed Petitioner that the closure occurred due to his failure to verify banking account information. On [REDACTED], Petitioner returned the required banking account information. As such, Petitioner complied with the verification within 30 days of [REDACTED]. The Department has the responsibility to ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. BAM 105 (July 2015), p. 13. It is found that Petitioner reasonable interpreted the information contained in the Notice of Case Action to allow for the receipt of FAP benefits without the necessity to reapply if the documents were submitted within 30 days of [REDACTED]. Additionally, given that the verification was the ONLY reason listed on the Notice of Case Action as the cause of the closure and because the Department acknowledged that the Verification Checklist was returned as undeliverable, it is found that Petitioner's FAP benefits were improperly closed.

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 FAP benefits effective [REDACTED].

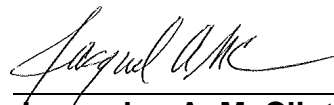
**DECISION AND ORDER**

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. Reinstate Petitioner's FAP benefits effective [REDACTED], ongoing;
2. Issue supplements to Petitioner that he was entitled to receive but did not as of [REDACTED] ongoing; and
3. Notify Petitioner of its decision in writing.

JM/hw



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**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]