



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 28, 2016  
MAHS Docket No.: 16-001661  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton**

**AMENDED 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 24, 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.

At the conclusion of the hearing, a Hearing Decision was issued by Administrative Law Judge Jacquelyn McClinton and mailed on March 25, 2016 which is hereby **AMENDED** to correct the date mailed in the Decision and Order to March 28, 2016. All Findings of Fact and Conclusions of Law contained in the original Hearing Decision are unchanged and incorporated herein by reference.

**ISSUE**

Did the Department properly close Petitioner's FAP benefits effective [REDACTED] for failing to timely return verifications?

**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], Petitioner reported that her husband was employed.

3. On [REDACTED], the Department sent Petitioner a Verification of Employer and a Verification Checklist (VCL), which were both due on or before [REDACTED].
4. Petitioner failed to return the verifications by the required due date.
5. On [REDACTED], the Department sent Petitioner a Notice of Case Action notifying her that her FAP benefits would close effective [REDACTED].
6. 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, verifications are usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2016), p. 1. In this case, Petitioner submitted a completed Redetermination on [REDACTED]. At that time, there had been no changes in circumstances. On [REDACTED], Petitioner reported that her husband was employed. On [REDACTED], the Department sent Petitioner a Verification of Employment to be completed by the employer of Petitioner's husband. Also on [REDACTED] the Department sent Petitioner a VCL requesting her husband's paystubs for the last 30 days.

The Department testified that it did not receive the Verification of Employer or the VCL by the due date of [REDACTED]. Petitioner testified that she signed the book at the front desk on [REDACTED] when she turned in her husband's paystubs. However, the sign-in book for [REDACTED] was reviewed during the hearing and did not contain Petitioner's signature. The Department indicated that it received the paystubs on [REDACTED] and verbally agreed to redetermine Petitioner's eligibility based on the new earning information.

At the hearing, the Department testified that the Notice of Case Action was also sent on [REDACTED] (prior to the due date of the verifications). However, a review of the Notice of Case Action reveals that it was actually sent on [REDACTED]. The

Department further testified that the effective date of the closure was [REDACTED]. However, a review of the Notice of Case Action revealed that the closure was effective [REDACTED] which was prior to the due date of the verification. It is found that the Department did not afford Petitioner adequate opportunity to return the verifications prior to closing her FAP benefits.

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 [REDACTED] for failure to return verifications.

### **DECISION AND ORDER**

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 as of [REDACTED], ongoing;
2. Issue supplements that Petitioner was eligible to receive but did not effective [REDACTED]; and
3. Notify Petitioner in writing of its decision.

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]