



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

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Date Mailed: April 12, 2016
MAHS Docket No.: 16-002203
Agency No.: ██████████
Petitioner: ██████████

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 April 4, 2016, from Detroit, Michigan. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by ██████████ ██████████, Hearings Facilitator.

ISSUE

Did the Department properly deny Petitioner's Food Assistance Program (FAP) application on the basis that she failed to verify requested 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 previously an ongoing recipient of FAP benefits.
2. Petitioner's son, ██████████ was previously residing in her home and was a FAP household group member.
3. In connection with Petitioner's previously active FAP case, the Department sent her a New Hire Client Notice dated September 21, 2015, which Petitioner completed and returned to the Department on October 1, 2015. A second New Hire Client Notice also dated September 21, 2015 was completed and returned by

Petitioner on February 8, 2016. The Notice sought employment information for Petitioner's son. (Exhibit B)

4. The New Hire Client Notice indicates that Petitioner's son was only employed for three days and that as of the completion of the Notice, was no longer employed. (Exhibit B)
5. On an unverified date, Petitioner's FAP case closed.
6. On February 19, 2016, Petitioner applied for expedited FAP benefits.
7. At the time of the application, Petitioner's son no longer resided with Petitioner in her home.
8. On February 24, 2016, the Department sent Petitioner a Notice of Case Action which approved her for FAP benefits for the period February 19, 2016, through February 29, 2016. The Notice further informs Petitioner that effective March 1, 2016, the Department intended to close Petitioner's FAP case due to a failure to verify requested information. (Exhibit A)
9. The Department did not send a verification checklist requesting verification and/or termination of employment for Petitioner's son, in connection with Petitioner's February 19, 2016, FAP application.
10. 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 concerning her FAP benefits. It was established at the hearing that Petitioner's case closed on an unverified date and for an unverified reason. Petitioner reapplied for expedited FAP benefits and was initially approved for benefits, however, the

Department denied Petitioner's ongoing FAP eligibility on the basis that she did not submit requested verifications. The Department stated that because Petitioner did not provide pay stubs with the previously completed New Hire Client Notices, she was not eligible for FAP benefits.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. Verification means documentation or other evidence to establish that accuracy of the client's verbal or written statements. BAM 130 (January 2016), p.1. With respect to expedited FAP applications, after the initial application interview, the Department is to request needed verification not brought to the interview. BAM 115 (January 2016), pp. 16-17. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3.

With respect to FAP cases, clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, pp.6-7. The Department sends a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, pp.6- 7.

At the hearing, Petitioner credibly testified that her son has not lived in her home for at least six months and that she reported the information to her case worker. Petitioner also testified that she did not list her son as a household member on the February 19, 2016, FAP application. The Department did not rebut Petitioner's testimony with respect to her son not being included on the FAP application. The Department confirmed that it did not send Petitioner a VCL or similar request for verification in connection with the FAP application or which requests proof of Petitioner's son's employment, loss of employment or that he no longer resides in the home.

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 because the Department did not request in writing that Petitioner submit verifications, the Department did not act in accordance with Department policy when it denied Petitioner's FAP application based on a failure to verify requested information.

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 case effective March 1, 2016;
2. Provide Petitioner with FAP supplements from March 1, 2016, ongoing; and
3. Notify Petitioner in writing of its decision.



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

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