



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: May 16, 2016  
MAHS Docket No.: 16-004504  
Agency No.: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Robert J. Chavez**

### **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 May 4, 2016, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Eligibility Specialist, and [REDACTED], Assistance Payments Supervisor.

### **ISSUE**

Did the Department properly deny Petitioner's February 3, 2016 Food Assistance Program (FAP) application for failing to return requested 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 applied for FAP on February 3, 2016.
2. On February 18, 2016, Petitioner was sent a DHS-3503, Verification Checklist requesting verification of assets and rent.
3. These verifications were not returned.
4. On March 2, 2016, Petitioner's FAP application was denied for failing to return required verifications.

5. On March 30, 2016, Petitioner requested a hearing.

### **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.

The Department may request verifications if the verifications in question are required to determine eligibility. BAM 130. Failure to respond to a verification request can result in case closure or application denial. BAM 130.

In the current case, the Department properly requested verifications of the Petitioner. Petitioner admitted to receiving the request, and the request was for verifications necessary to determine eligibility.

Furthermore, Petitioner did not return the verifications in question. While Petitioner alleged that they had returned the verifications, no returned documents were found in the Petitioner's case file. Furthermore, while Petitioner had alleged to have signed the logbook located at the front of DHHS offices, Petitioner's name was not found during the date ranges in question, despite a thorough examination by the undersigned. Department Exhibit 5.

Petitioner could provide no other evidence that the documents were not returned. As such, the undersigned is unable to hold that the verifications were returned.

As the verifications were not returned, the Department properly denied the application in question, as eligibility for benefits could not be determined.

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 denied Petitioner's February 3, 2016 FAP application.

**DECISION AND ORDER**

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

RC/tm



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**Robert J. Chavez**  
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]

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