



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: September 27, 2016
MAHS Docket No.: 16-012032
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 September 21, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], specialist.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility.

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 and her son were ongoing FAP benefit recipients of the same FAP benefit group.
2. On [REDACTED], MDHHS mailed Petitioner a New Hire Client Notice concerning her son's employment.
3. As of [REDACTED], Petitioner did not return the New Hire Client Notice.
4. On [REDACTED], MDHHS initiated termination of Petitioner's FAP eligibility, effective September 2016, due to Petitioner's failure to return the New Hire Client Notice.

5. On [REDACTED], Petitioner requested a hearing to dispute the FAP benefit termination.

CONCLUSIONS OF LAW

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. MDHHS (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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a FAP benefit termination to be effective September 2016. MDHHS presented a Notice of Case Action (Exhibit 1, pp. 1-5) dated [REDACTED]. The notice verified Petitioner's FAP eligibility would end in September 2016 due to Petitioner's alleged failure to verify information. MDHHS testimony clarified Petitioner specifically failed to verify her son's employment information.

The Michigan Department of Health and Human Services (MDHHS) routinely matches recipient data with other agencies through automated computer data exchanges. BAM 807 (July 2016), p. 1). The State New Hires Match is a daily data exchange of information collected by the Michigan New Hire Operations Center and obtained through the Office of Child Support. *Id.* State New Hires information is used to determine current income sources for active MDHHS clients. *Id.*

[MDHHS is to] contact the client immediately if the employment has not been previously reported. *Id.* [MDHHS is to] request verification by generating a DHS-4635, New Hire Notice, from Bridges. *Id.* If verifications are not returned by the tenth day, case action will need to be initiated to close the case in Bridges. *Id.*, p. 2.

MDHHS presented a New Hire Client Notice (Exhibit 1, pp. 6-7) dated [REDACTED], concerning recently obtained employment information for Petitioner's son. The due date on the New Hire Client Notice was August 12, 2016. It was not disputed Petitioner failed to return the notice to MDHHS by the due date.

Petitioner credibly testified she was not initially aware of her son's employment information, and when she later became aware, she had difficulty verifying her son's employment. Petitioner's testimony was seemingly credible but has no impact on the analysis. Had Petitioner reported her difficulty in obtaining information to MDHHS, consideration might have been given to requiring MDHHS to assist Petitioner in obtaining verification. As it happened, Petitioner first reported her difficulty in obtaining her son's verification in her hearing request. It is found MDHHS properly terminated

Petitioner's FAP eligibility due to Petitioner's failure to verify New Hire Client information.

As it happened, Petitioner returned a New Hire Client Notice to MDHHS on [REDACTED]. The eventual submission does not alter the finding that MDHHS acted properly in terminating Petitioner's FAP eligibility. It should be noted that MDHHS could accept Petitioner's submission to continue Petitioner's FAP eligibility as Petitioner's case remained open because Petitioner's timely hearing request suspended the pending closure (see BAM 600). This decision which upholds the MDHHS actions could justify an immediate termination of Petitioner's FAP eligibility; such a course would require Petitioner to reapply for FAP benefits. Alternatively, MDHHS could also continue Petitioner's FAP eligibility now that the New Hire Client Notice was submitted. In the interest of efficiency and client courtesy, the latter course of action is recommended, though it cannot be mandated.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly initiated termination of Petitioner's FAP eligibility, effective September 2016. The actions taken by MDHHS are **AFFIRMED**.

CG/hw



Christian Gardocki
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]