



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: October 10, 2016
MAHS Docket No.: 16-012395

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 28, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED], Family Independence Specialist and [REDACTED] [REDACTED], Assisted Payments Supervisor.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application for Food Assistance Program (FAP) and Family Independence Program (FIP)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. The Petitioner was a recipient of FAP benefits.
2. The Petitioner applied for FIP benefits on August 22, 2016. Department Exhibit 1, pgs. 1-26.

3. On August 10, 2016, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, which was due on August 22, 2016, for the required verifications to determine FIP and continued FAP eligibility. Department Exhibit 1, pg. 26.
4. On August 10, 2016, the Department Caseworker sent the Petitioner a PATH appointment notice for an appointment on August 23, 2016. Department Exhibit 1, pg. 28.
5. On August 17, 2016, the Petitioner had her in person interview with her Department Caseworker where her required verifications and PATH appointment requirements were discussed where she was given an extension until her PATH appointment on August 23, 2106. Department Exhibit 1, pg. 29.
6. On August 23, 2016, the Petitioner arrived to her PATH appointment late and did not stay and did not provide the required verifications. She was given the opportunity to attend the PATH program on the next day in [REDACTED]. Department Exhibit 1, pg. 29.
7. The Petitioner failed to attend PATH program on August 24, 2016 nor did she submit the required verifications to determine eligibility for FIP and continued eligibility for FAP. Department Exhibit 1, pg. 29.
8. On August 24, 2016, the Department denied Petitioner's application due to failure to provide the required verification for checking account, school attendance verification, and attend PATH to determine FIP eligibility and closure of FAP due failure to provide verification of checking account. Department Exhibit 1, pgs. 30-31a.
9. On August 29, 2016, the Petitioner filed a hearing request, protesting the Department's negative action.

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.

In this case, The Petitioner was a recipient of FAP benefits. The Petitioner applied for FIP benefits on August 22, 2016. Department Exhibit 1, pgs. 1-26. On August 10, 2016, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, which was due on August 22, 2016, for the required verifications to determine FIP and continued FAP eligibility. Department Exhibit 1, pg. 26. On August 10, 2016, the Department Caseworker sent the Petitioner a PATH appointment notice for an appointment on August 23, 2016. Department Exhibit 1, pg. 28. On August 17, 2016, the Petitioner had her in person interview with her Department Caseworker where her required verifications and PATH appointment requirements were discussed where she was given an extension until her PATH appointment on August 23, 2016. Department Exhibit 1, pg. 29.

On August 23, 2016, the Petitioner arrived to her PATH appointment late and did not stay and did not provide the required verifications. She was given the opportunity to attend the PATH program on the next day in [REDACTED] Department Exhibit 1, pg. 29. The Petitioner failed to attend PATH program on August 24, 2016 nor did she submit the required verifications to determine eligibility for FIP and continued eligibility for FAP. Department Exhibit 1, pg. 29. On August 24, 2016, the Department denied Petitioner's application due to failure to provide the required verification for checking account, school attendance verification, and attend PATH to determine FIP eligibility and closure of FAP due failure to provide verification of checking account. Department Exhibit 1, pgs. 30-31a. On August 29, 2016, the Petitioner filed a hearing request, protesting the Department's negative action. BEM 400, 205, 209, 210, 211, 212, 214, 215, and 245. BAM 105, 115, 130, 200, 210, and 220.

During the hearing, the Department stated that they did receive the required verifications late. The Department will reinstate her FAP benefits, but she has to reapply for FIP because she did not attend PATH by the due date.

DECISION AND ORDER

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 determined that the Petitioner turned in her required verifications late where they were able to reinstate her FAP benefits, but she had to reapply for FIP because she did not attend PATH by the due date.

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

Carmen G. Fahie

Carmen G. Fahie

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