



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: November 7, 2016
MAHS Docket No.: 16-014287
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 November 3, 2016, from Lansing, Michigan. The Petitioner was represented by himself, and his son [REDACTED] [REDACTED] who also interpreted between English and [REDACTED]. The Department of Health and Human Services (Department) was represented by Assistance Payments Supervisor [REDACTED] [REDACTED] Eligibility Specialist [REDACTED] [REDACTED] and Eligibility Specialist [REDACTED] [REDACTED]

ISSUE

Did the Department properly deny Petitioner's application for Family Independence Program (FIP) and close his Food Assistance Program (FAP) benefits?

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 on-going FAP recipient who received a Redetermination form (Exhibit 1 Pages 3-8) which he completed and returned on July 27, 2016.
2. On August 4, 2016, the Department mailed to Petitioner a Verification Checklist (VCL) with a due date for his responses of August 15, 2016 (Pages 9-10).

3. Petitioner provided documents that were available to him to verify the requested information, but did not have sufficient verification of two accounts at [REDACTED].
4. What was subsequently discovered was that the two “accounts” were two debit cards that were both connected to one bank account.
5. Petitioner attempted to get verification from the bank about the accounts but was only able to get verification of the one account, which he provided to the Department on August 8, 2014.
6. On August 23, 2016, the Department mailed a Notice of Case Action (Pages 11-15) informing Petitioner that his FAP was being closed as of September 1, 2016, because he had not verified the bank accounts. It also said that his application for FIP (cash assistance) had been denied because of excess income, but Petitioner had not applied for FIP since his FIP had been closed in a Notice of Case Action dated January 6, 2016 (Pages 18-22).
7. On August 10, 2016, the Department received Petitioner’s hearing request (Page 2), protesting the closure of his FAP.

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.

Per BAM 130 (10/1/14), at page 6:

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges

document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a negative action notice when:

The client indicates refusal to provide a verification, **or**

The time period given has elapsed and the client has **not** made a reasonable effort to provide it.

In this case, the Department required verification of his bank accounts to continue receiving FAP. He attempted to obtain verification, and he provided the Department with the documentation that his bank gave to him. He made a reasonable effort to provide the necessary verification by the deadline. He was eventually able to get the documentation that the Department found adequate, but that was after his FAP had been closed.

Regarding FIP, there is no evidence that Petitioner protested the decision that closed his FIP in January 2016. There is no evidence that there was a new application. The hearing request does not indicate that he was appealing any FIP decision, and therefore that issue is **MOOT**.

DECISION AND ORDER

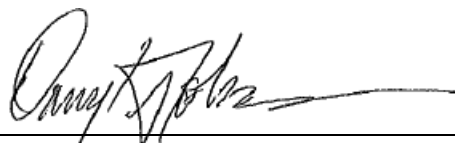
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it closed Petitioner's FAP.

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. The Department shall initiate a redetermination as to whether Petitioner is entitled to FAP benefits as provided by applicable policies, effective September 1, 2016, and provide Petitioner with a supplement if eligible.

DJ/mc



Darryl Johnson
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]

Petitioner

[REDACTED]