



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: December 28, 2016
MAHS Docket No.: 16-014986
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 December 21, 2016, from Lansing, Michigan. The Petitioner appeared on her own behalf, along with her friend, [REDACTED] [REDACTED] who interpreted between English and [REDACTED], as well as Petitioner's daughter-in-law, [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by Hearings Facilitator [REDACTED] [REDACTED].

ISSUE

Did the Department properly determine Petitioner's 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 applied for FAP for herself and her disabled adult son on August 12, 2016. (Exhibit 1 Pages 6-19.)
2. She reported in the application that she did not own any real property. (Page 12.)
3. In the application she reported housing bills for an association fee, homeowner's insurance, and property taxes. (Page 10).

4. On August 15, 2016, the Department mailed a Verification Checklist (Pages 20-21) requesting verification of her home insurance, heat expense, residential address, association fees, and her non-heat electric expense. Her responses were due August 25, 2016.
5. On August 29, 2016, the Department mailed a Notice of Case Action (Pages 28-31) awarding the group FAP of \$ [REDACTED] per month beginning September 1, 2016.
6. Petitioner then faxed in some of the requested documents, but did not provide any verification of her property taxes.
7. On September 14, 2016, the Department mailed another Verification Checklist (Pages 22-23) requesting current property tax records. The verification as due by September 26, 2016.
8. On October 10, 2016, the Department received Petitioner's hearing request, protesting the FAP award.

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.

"Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms; see Refusal to Cooperate Penalties in this item. Clients must completely and truthfully answer all questions on forms and in interviews." BAM 105 (10/1/16) page 9.

Per BAM 130 (1/1/17), at page 7, says:

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.

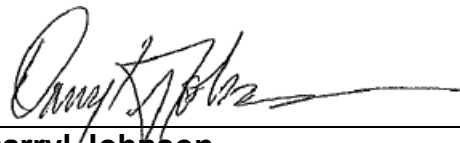
The issue is whether Petitioner provided timely verification in response to the request. The evidence is persuasive that the forms were mailed to the Petitioner at her address of record. The evidence also establishes that the Petitioner did not fully respond or make a reasonable effort to respond by the deadline. Because the Department had no verified housing expenses, it could not include any housing expenses in the FAP budget.

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 Petitioner's FAP award.

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

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]

Authorized Hearing Rep.

[REDACTED]

Petitioner

[REDACTED]