



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: December 16, 2016
MAHS Docket No.: 16-016675

[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 December 6, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly close the Petitioner's case for Food Assistant Program since the Petitioner did not submit the required verification by the due date?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner was a recipient of FAP benefits with a redetermination due in October 2016.
2. On October 20, 2016, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, which was due on October 31, 2016 for the Petitioner to provide written verification of the Petitioner's daughter's employment income. Department Exhibit 1, pgs. 4-5.

3. On November 1, 2016, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605 that her FAP case was closed effective November 1, 2016 due to failure to verify bank account and daughter's earned income. Department Exhibit 1, pgs. 7-10.
4. On November 9, 2016, the Department received a hearing request from the Petitioner, contesting 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 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 with a redetermination due in October 2016. On October 20, 2016, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, which was due on October 31, 2016 for the Petitioner to provide written verification of the Petitioner's daughter's employment income. Department Exhibit 1, pgs. 4-5. On November 1, 2016, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605 that her FAP case was closed effective November 1, 2016 due to failure to verify bank account and daughter's earned income. Department Exhibit 1, pgs. 7-10. On November 9, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BEM 400, 501, 502, and 504. BAM 105, 115, 130, 200, 210, and 220.

During the hearing, the Petitioner stated that she turned in the required verifications before the due date of October 31, 2016. The Petitioner could not give a specific date that she was in the local office, but the Verification Checklist was mailed out on October 20, 2016 with a due date of October 31, 2016. The Hearing Facilitator reviewed the county log book from October 21, 2016 through October 31, 2016, but did not find the Petitioner's name on the log for the contested time period.

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 closed the Petitioner's FAP case because she failed to submit the required verifications 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

