



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 21, 2016
MAHS Docket No.: 16-017543

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 - 273.18; 42 CFR 431.200 - 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 20, 2016, from Lansing, Michigan. Petitioner personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Hearing Representative [REDACTED] and Eligibility Specialist [REDACTED] and [REDACTED] both testified on behalf of the Department. The Department submitted 68 exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits for failure to timely return the requested verifications?

FINDINGS OF FACT

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

1. On July 31, 2016, Petitioner applied for FAP and the Medicaid-Healthy Michigan Plan (MA-HMP). [Dept. Exh. 13-34].

2. On August 26, 2016, the Department issued a Verification Checklist with a due date of September 6, 2016, requesting a current statement from Petitioner's checking account. [Dept. Exh. 47-48].
3. On August 30, 2016, the Department issued a Notice of Case Action approving Petitioner's application for FAP, effective August 1, 2016 through July 31, 2017. [Dept. Exh. 49-52].
4. On August 30, 2016, the Department issued Petitioner a Health Care Coverage Determination Notice approving MA-HMP for Petitioner and her family. [Dept. Exh. 53-54].
5. On September 12, 2016, the Department issued a Redetermination to Petitioner with a due date of October 3, 2016. [Dept. Exh. 55-60].
6. On September 14, 2016, a Verification Checklist was issued to Petitioner requesting proof of her checking account. [Dept. Exh. 61-62].
7. On September 29, 2016, the Department issued a Verification Checklist to Petitioner requesting verification of Petitioner's husband's loss of employment and verification of his current employment. [Dept. Exh. 63-68].
8. On October 19, 2016, Petitioner's FAP and MA-HMP benefits were closed for failure to timely return the requested verifications. [Dept. Exh. 1].
9. On November 15, 2016, Petitioner submitted the requested bank statements and verification of employment from her husband's current employer. Petitioner also submitted a Request for Hearing indicating that her new worker had been giving her a hard time. [Dept. Exh. 5; Testimony].
10. On November 22, 2016, a Prehearing Conference was held by the Department with the Petitioner. Petitioner explained that she had been unable to obtain proof of loss of employment for her husband. The Department informed Petitioner that a notarized statement from her husband that he was no longer working for his previous employer would suffice. [Testimony].
11. Petitioner understood that her husband could submit a notarized statement in lieu of the employment verification from his previous employer but chose to wait for the scheduled hearing in the above captioned matter. [Testimony].

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.

Department policy states that clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105, p 8 (7/1/2015). This includes completion of the necessary forms. *Id.* Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. *Id.* at 9. Clients must take actions within their ability to obtain verifications. *Id.* at 12.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130, p 1 (7/1/2015). Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. *Id.*

The Department uses the Verification Checklist, DHS-3503, to tell the client what verification is required, how to obtain it and the due date. BAM 130, p 3. The client must obtain the required verification, but the Department must assist if they need and request help. *Id.*

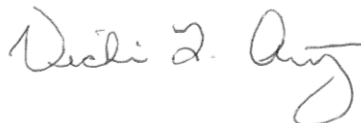
A client is allowed 10 calendar days (or other time limit specified in policy) to provide the verification requested by the Department. BAM 130, p 6. The Department sends a negative action notice when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. *Id.* at 7.

In this case, Petitioner applied for FAP and MA-HMP on July 31, 2016. On September 14, 2016, the Department issued a Verification Checklist with a due date of May 3, 2016, requesting a current statement from the bank of Petitioner's checking account, due by October 10, 2016. On September 29, 2016, the Department issued a Verification Checklist requesting verification of Petitioner's husband's previous employment and verification of his current employment. Petitioner failed to timely return the requested verifications. On October 19, 2016, the Department closed Petitioner's FAP and MA-HMP benefits for failure to timely return the requested verifications. Petitioner did not dispute that she failed to timely return the requested verifications.

As a result, this Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with Department policy when it closed the Petitioner's FAP and MA-HMP benefits.

DECISION AND ORDER

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



Vicki Armstrong
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

