



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: January 19, 2017
MAHS Docket No.: 16-018252
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 January 11, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Hearing Facilitator [REDACTED]. Department's Exhibit A, pages 1-133 was admitted into evidence.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) beginning November 1, 2016?

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 ongoing recipient of Food Assistance Program (FAP) benefits. The Department was using [REDACTED] as Petitioner's address of record. All correspondence from the Department was sent to that address.
2. On September 6, 2016, Petitioner was sent a New Hire Client Notice (DHHS-4635) regarding on of the members of her Food Assistance Program (FAP) benefit group. The notice states "failure to provide this information by the due date will result in cancellation of your public assistance benefits." The requested information was due to the Department by September 16, 2016.

3. On September 16, 2016, the September 6, 2016, New Hire Client Notice (DHHS-4635) was returned to the Department by the Postal Service as undeliverable.
4. On September 19, 2016, Petitioner was sent a Notice of Case Action (DHHS-1605) which stated her Food Assistance Program (FAP) would close beginning November 1, 2016. The notice was not returned as undeliverable.
5. On October 4, 2016, Petitioner submitted a State Emergency Relief (SER) application for relocation assistance. On the application Petitioner stated she was homeless and provided the address she intended to move into. On the application Petitioner stated "I was subleasing until the end of September". Department Exhibit A page 16.
6. On November 1, 2016, Petitioner's Food Assistance Program (FAP) closed.
7. On November 3, 2016, a copy of the September 6, 2016, New Hire Client Notice (DHHS-4635) was reprinted and given to Petitioner by hand.
8. On November 9, 2016, Petitioner returned the reprinted New Hire Client Notice (DHHS-4635) and submitted an application for Food Assistance Program (FAP) benefits.
9. On November 18, 2016, Petitioner was approved for Food Assistance Program (FAP) benefits from November 9, 2016 ongoing.
10. On November 28, 2016, Petitioner submitted a hearing request.

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.

During this hearing Petitioner testified that there are 2 apartments at the address and she lived in ■■■. Petitioner also testified that she did get some of the correspondence sent from the Department even though it did not indicate the apartment number.

The evidence shows that the New Hire Client Notice (DHHS-4635) was returned to the Department by the Postal Service as undeliverable. However, the Department sent it to

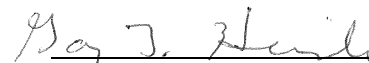
Petitioner's address of record, where all previous correspondence had been sent. There is no evidence in the record indicating that Petitioner reported any problem to the Department regarding mail delivery or submitted any updates or corrections regarding the address. In these circumstances, failure of notice to the Petitioner is not attributable to the Department. Therefore, the fact that Petitioner did not get notice of the action required to keep her Food Assistance Program (FAP) open, does not make closure of her Food Assistance Program (FAP) an incorrect action.

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 properly when Petitioner's Food Assistance Program (FAP) was closed beginning November 1, 2016.

DECISION AND ORDER

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

GH/nr



Gary Heisler
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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]