



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.: 16-018316
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 Eligibility Specialist [REDACTED] and Eligibility Specialist [REDACTED]. Department's Exhibit A, pages 1-12 was admitted into evidence.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) beginning December 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.
2. On September 13, 2016, Petitioner was sent a New Hire Client Notice (DHHS-4635) regard [REDACTED], one of the members of her Food Assistance Program (FAP) benefit group. The requested information was due back to the Department by September 23, 2016.
3. On November 14, 2016, Petitioner was sent a Notice of Case Action (DHHS-1605) which stated: approved for \$ [REDACTED] of Food Assistance Program (FAP) benefits for a household size of 2 October 1-31, 2016; approved for \$ [REDACTED] of Food Assistance

Program (FAP) benefits for a household size of 3 November 1-30, 2016; and closed December 1, 2016 ongoing.

4. On November 14, 2016, along with the Notice of Case Action (DHHS-1605), Petitioner was sent a Simplified Six-Month Review (DHS-1045) form.
5. On November 30, 2016, Petitioner submitted a hearing request.
6. On December 7, 2016, Petitioner was sent a Verification Checklist (DHHS-3503) for her Food Assistance Program (FAP). The checklist requested verification of Petitioner's earned income and non-heat electric expense.
7. On December 8, 2016, Eligibility Specialist [REDACTED] prepared the Hearing Summary (DHHS-3050). The summary states "upon review of the case it was determined that the new hires sent were old and that the jobs had ended or was temporary income. As a result FAP was reinstated. The case is now pending for missing check stubs for [REDACTED] and wages salary tips and commissions for [REDACTED]".

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.

Bridges Administration Manual (BAM) 807 State New Hire Match (7-1-2016) provides:

OVERVIEW

The State New Hire database is established from W-4 tax records (or other new hire reporting formats) submitted by employers to the Michigan New Hire Operations Center. Michigan employers are required to report all new employees within 20 days of the date of hire. The State New Hires process matches the Social Security number (SSN) for all active recipients to the database. If a SSN match is found on Bridges and the State New Hires database, a State New Hires match is created if there is no earned income reflected in Bridges. Specialists receive one task and reminder listing all the matches for the previous week each Monday. The task and reminder is removed when all matches have been disposed.

It is a best practice to resolve information obtained from a State New Hires report within **21 calendar days** from the date the match is reported to the specialist.

Verifying Earned Income

Contact the client immediately if the employment has not been previously reported. Request verification by generating a DHS-4635, New Hire Notice, from Bridges.

When a DHS-4635 is requested, Bridges automatically gives the client 10 calendar days to provide verification from the date the forms were requested.

Case Actions

When income verification is returned, make the appropriate changes in Bridges, then run eligibility determination benefit calculation (EDBC) to reduce or close the benefits.

Failure to Provide FIP, SDA, MA, and FAP

If verifications are not returned by the tenth day, case action will need to be initiated to close the case in Bridges. If the client reapplies, the date the client reapplies determines if State New Hires verification must be returned before processing the new application.

During this hearing the Department representatives asserted that the closure was correct. No explanation was provided with regard to Department policy and the reason the closure is asserted as correct. 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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's Food Assistance Program (FAP) beginning December 1, 2016.

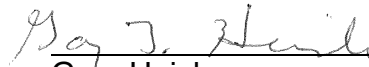
DECISION AND ORDER

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. Reinstate Petitioner's Food Assistance Program (FAP) from December 1, 2016, determine her Food Assistance Program (FAP) eligibility from that date forward in accordance with Department policy, issue Petitioner a current Notice of Case Action (DHHS-1605) showing the new determination of her Food Assistance Program (FAP) eligibility from December 1, 2016 ongoing.

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]