



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: January 27, 2017
MAHS Docket No.: 16-018777
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 18, 2017, from Detroit, Michigan. The Petitioner appeared for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator. [REDACTED], served as [REDACTED] interpreter.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case?

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 FAP benefits.
2. In connection with a redetermination, Petitioner's eligibility to receive FAP benefits was reviewed. (Exhibit A, p. 5)
3. On an unverified date, Petitioner completed and timely submitted the redetermination.
4. On November 16, 2016, the Department sent Petitioner a Verification Checklist (VCL) instructing him to submit proof of wages and earned income for his two adult sons ([REDACTED]) by November 28, 2016. (Exhibit A, pp. 7-8)

5. With the VCL, the Department provided Petitioner with Verification of Employment forms dated November 16, 2016, to be completed and returned to the Department by November 28, 2016, for: [REDACTED] employment at [REDACTED] [REDACTED] employment at [REDACTED] and [REDACTED] employment at [REDACTED] (Exhibit A, pp. 9-10, 13-14, 17-18)
6. On November 17, 2016, Petitioner submitted earning statements/paystubs for [REDACTED] employment at [REDACTED] and [REDACTED] employment at [REDACTED]. (Exhibit A, pp. 11-12,15-16)
7. On November 28, 2016, Petitioner submitted completed Verification of Employment forms for [REDACTED] employment at [REDACTED] and [REDACTED] at [REDACTED].(Exhibit A, pp. 9-10, 13-14)
8. On November 28, 2016, Petitioner submitted an incomplete and unsigned Verification of Employment form for [REDACTED] employment at [REDACTED] which only included a note handwritten by Petitioner indicating that his son is no longer working at [REDACTED] as of July 1, 2016. (Exhibit A, pp. 17-18)
9. Petitioner's FAP case closed at the end of the November 2016 benefit period on the basis that verification of income was not returned.
10. On December 13, 2016, Petitioner requested a hearing disputing the Department's actions. (Exhibit A, pp. 3-4)

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.

The Department must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes a thorough review of all eligibility factors. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210 (July 2016), p. 1. Additional verifications may be required at redetermination or renewal. For FAP cases, verifications must be provided by the end of the current benefit period **or** within 10 days

after they are requested, whichever allows more time. The Department will issue a DHS-3503, Verification Checklist after the redetermination interview for any missing verifications allowing 10 days for their return. BAM 210, p. 16. FAP benefits stop at the end of the benefit period unless a redetermination is completed, verifications received, and a new benefit period is certified. BAM 210, pp. 2-3. The Department will automatically close the FAP case without sending a Notice of Case Action. BAM 210, p.10-12.

In this case, the Department testified that although Petitioner timely submitted his redetermination and some of the requested verification of income for his two adult sons, because the Verification of Employment from [REDACTED] was incomplete, Petitioner was found to have failed to verify all requested information. The Department stated that Petitioner's FAP case closed effective November 30, 2016, as a new benefit period could not be certified. There was no evidence presented that a Notice of Case Action was sent advising of the case closure, however, as referenced above, because the verifications were requested in connection with a FAP redetermination, notice of a case closure is not required.

At the hearing, Petitioner did not dispute the Department's testimony. Petitioner confirmed that he included the handwritten note on the Verification of Employment from [REDACTED] and stated that he did not have the form completed by the employer because he had notified his Department case worker in July 2016 that his son was no longer employed at [REDACTED]. Petitioner stated that he did not hear anything back from his case worker regarding the message he left reporting the loss of employment. Petitioner testified that he did not think completing the Verification of Employment form was necessary because his son had not been employed at [REDACTED] since July 2016 and he previously notified his case worker of the loss of employment.

However, Department policy provides that verification of income that has decreased or stopped may be required at redetermination and if a change is reported. See BEM 500 (January 2016), p.13; BAM 130(July 2016). Therefore, Petitioner was required to submit a completed verification of employment form or submit another type of acceptable verification in order to verify his son's loss of employment at [REDACTED]. Because Petitioner did not submit sufficient verification of employment or loss of employment for his son's employment at [REDACTED], the Department properly closed his FAP case based on a failure to verify. Petitioner is informed that he is entitled to submit a new application and have his FAP eligibility determined.

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 Petitioner's FAP case.

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



ZB/tlf

Zainab A. Baydoun
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

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