



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: March 13, 2017
MAHS Docket No.: 17-000983
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 February 22, 2016, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Family Independence Manager [REDACTED] [REDACTED] and Assistance Payment Worker [REDACTED] [REDACTED]

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) on January 1, 2017?

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 November 7, 2016, Petitioner was sent two, separate, New Hire Client Notice (DHS-4635) forms. The requested verifications were due on November 17, 2016.
3. On November 21, 2016, the Department had not received the required information requested in the two, separate, New Hire Client Notice (DHS-4635) forms. Petitioner was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) would close on January 1, 2017.

4. On November 22, 2016, Petitioner was sent a Verification of Student Information (DHS-3380) form.
5. On January 1, 2017, Petitioner's Food Assistance Program (FAP) closed.
6. On January 4, 2017, Petitioner met with Department workers. Petitioner provided information regarding the two, separate, New Hire Client Notice (DHS-4635) forms. Additional information was required on Petitioner's student status before her Food Assistance Program (FAP) could be reinstated.
7. On January 9, 2017, the Department received clarification of Petitioner's student status.
8. On January 9, 2017, Petitioner's Food Assistance Program (FAP) was reinstated. Petitioner was sent a Notice of Case Action (DHS-1605) which stated she was eligible for \$ [REDACTED] of Food Assistance Program (FAP) benefits for the period of January 9 – 31, 2017. That is the pro-rated amount of the \$ [REDACTED] maximum Food Assistance Program (FAP) benefit amount, for 23 days of January 2017.
9. On January 20, 2017, 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.

In this case the Department had requested verification information from Petitioner with regard to two, separate, New Hire Client Notice (DHS-4635) forms and her student status. The information requested by the Department was required to determine if Petitioner was still eligible for Food Assistance Program (FAP) benefits. On January 1, 2017, the Department did not have the required verification information and Petitioner's Food Assistance Program (FAP) closed.

Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts provides that "The client must obtain required verification, but the local office must assist if they need and request help." It also provides that for the Food Assistance Program (FAP) the

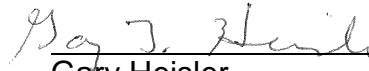
client is allowed 10 calendar days to provide verifications that are requested and that a negative action be sent when the time period given has elapsed.

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 Food Assistance Program (FAP) on January 1, 2017.

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]