



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
Christopher Seppanen  
Executive Director

SHELLY EDGERTON  
DIRECTOR

██████████  
████████████████████  
██████████

Date Mailed: March 1, 2017  
MAHS Docket No.: 17-001024  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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 ██████████, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by ██████████, manager.

**ISSUE**

The issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility.

**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 FAP recipient.
2. On an unspecified date, MDHHS requested verification of Petitioner's employment income.
3. On an unspecified date, Petitioner timely submitted verification of employment income.
4. On an unspecified date, MDHHS terminated Petitioner's FAP eligibility beginning ██████████.

5. On [REDACTED], Petitioner requested a hearing to dispute the termination of FAP benefits.

### **CONCLUSIONS OF LAW**

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. MDHHS (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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a termination of FAP benefits beginning [REDACTED]. MDHHS did not present any written notice verifying the basis for termination. MDHHS testimony indicated the termination was based on Petitioner's failure to verify employment income.

[MDHHS is to...] use income from the past 30 days if it appears to accurately reflect what is expected to be received in the benefit month. BEM 505 (July 2016), p. 5. The 30-day period used can begin up to 30 days before the interview date or the date the information was requested. *Id.* Wages [can be verified by] check stubs or earning statements. BEM 501 (July 2016), p. 11.

It was not disputed Petitioner submitted check stubs to MDHHS. MDHHS testimony indicated Petitioner's submitted stubs did not directly verify a full 30 days of earnings. MDHHS testimony conceded Petitioner's submission indirectly verified 30 days of earnings because any missing pay stub amounts could be deduced based on Petitioner's year-to-date earnings. If MDHHS could determine Petitioner's pay amounts from presented pay stubs, then Petitioner indeed sufficiently verified her income. MDHHS testimony conceded that Petitioner's submission was sufficient.

The MDHHS concession is consistent with presented evidence and policy. It is found MDHHS improperly terminated Petitioner's FAP eligibility.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly terminated Petitioner's FAP eligibility. It is ordered that MDHHS begin to perform the following actions within 10 days of the date of mailing of this decision:

- (1) Reinstate Petitioner's FAP eligibility, effective [REDACTED], subject to the finding that Petitioner sufficiently verified employment income; and

(2) Supplement Petitioner for any benefits improperly not issued.  
The actions taken by MDHHS are **REVERSED**.

CG/hw



---

**Christian Gardocki**  
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]  
[REDACTED]  
[REDACTED]