RICK SNYDER GOVERNOR

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

SHELLY EDGERTON



Date Mailed: March 8, 2017 MAHS Docket No.: 17-001575

Agency No.: Petitioner:

**ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton** 

### **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 March 1, 2017, from Detroit, Michigan. The Petitioner was represented by Petitioner.

Services (Department) was represented by Health and Human Services (Department) was represented by Realth and Human Services (Departm

## **ISSUE**

Did the Department properly deny Petitioner's application for FAP benefits?

#### 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 applied for FAP benefits.
- 2. Following the application, the Department sent Petitioner a Verification Checklist (VCL) which requested specific information and was due on or before
- 3. Petitioner failed to return the requested information by the due date.
- 4. On which notified Petitioner that his application for FAP benefits had been denied.

5. On Department's actions. Petitioner filed a Request for Hearing disputing the

## **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.

Additionally, verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM 130 (July 2016), p. 1. In this case, the Department sent Petitioner a VCL following the receipt of his application for FAP benefits. The VCL requested that Petitioner return proof of specific information, including employment. Petitioner returned some information but did not return any employment information. The Department testified that on Petitioner a Verification of Employment, which instructed Petitioner to have the document completed by his employer and retuned on or before

Petitioner acknowledged receipt of the Verification of Employment. Petitioner stated that when he took the document to his employer, the employer requested that the document be sent directly from the Department. Petitioner indicated that he took the form to the Department and explained the request of his employer. However, Petitioner as unable to state the date he took the Verification of Employment to the Department to request that it be sent directly to his employer.

The Department testified that it did not have any record of Petitioner requesting assistance in completing the form or bringing the form into its office until which was the date set for the Prehearing Conference. The Department testified that it received the completed document from the employer on that it issued the Notice of Case Action, which notified Petitioner that his application for benefits had been denied). There was no evidence presented that Petitioner requested assistance in completing the form prior to the deadline. Accordingly, it is found that the Department properly denied Petitioner's application for FAP benefits for failure to timely return the Verification of Employment.

# **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 denied Petitioner's application for FAP benefits for failure to timely return verifications.

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

JM/hw

Jacquelyn A. McClinton 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	
Petitioner	