



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 8, 2017  
MAHS Docket No.: 17-001616  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

### **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 [REDACTED] [REDACTED] from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Hearing Facilitator.

### **ISSUE**

Did the Department properly close the Petitioner's Food Assistance Program (FAP) benefits for failure to verify information?

### **FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner was an ongoing recipient of FAP benefits and was sent a Redetermination to complete for [REDACTED]. Exhibit A.
2. The Petitioner completed the Redetermination and interview.
3. The Department sent the Petitioner a Verification Checklist (VCL) requesting the Petitioner provide the [REDACTED] Federal Tax Return for [REDACTED] who lives with her and is the father of her children. Exhibit C.
4. The Petitioner provided the tax return in a timely manner.

5. On [REDACTED], the Department issued a Notice of Case Action closing the Petitioner's FAP for failure to verify bank account checking for [REDACTED].
6. The Department did not issue a VCL requesting that Petitioner provide verification of bank account checking for [REDACTED].
7. The Petitioner requested a timely hearing on [REDACTED], protesting the Department's actions.

### 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 issued a VCL for the Petitioner's partner, [REDACTED] federal tax return, which was provided, but no evidence was provided that the Department sought verification of Bank Account checking for the Petitioner's partner, [REDACTED], by a VCL. The Department policy requires that the Department verify information needed to determine benefits and eligibility; however, the Department must seek verification by a VCL. Department policy provides:

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level.

**Tell the client what verification is required, how to obtain it, and the due date; see Timeliness of Verifications in this item. Use the DHS-3503, Verification Checklist (VCL), to request verification. BAM 130 (10/1/16), p. 3, (Emphasis supplied).**

In this case, the Department failed to seek verification of the information regarding the bank account of [REDACTED], yet closed the FAP case for specifically failing to verify the information. The Department was required to obtain this information by VCL, and no evidence was presented that it did so; and no VCL was issued. Therefore, the Department did not properly close the Petitioner's FAP case at redetermination for failure to provide this information.

**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 did not act in accordance with Department policy when it closed the Petitioner's FAP case.

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. The Department shall reinstate the Petitioner's FAP case as of the closure date.
2. The Department shall issue an FAP supplement to the Petitioner for FAP benefits she is otherwise entitled to receive in accordance with Department policy.

LMF/jaf



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**Lynn M. Ferris**  
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]

**Petitioner**

[REDACTED]

[REDACTED]