



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: May 22, 2017  
MAHS Docket No.: 17-005278  
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 May 17, 2017, from Lansing, Michigan. Petitioner was represented by himself. The Department was represented by Hearing Facilitator [REDACTED]

### **ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) beginning April 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. Petitioner's Food Assistance Program (FAP) annual certification period was until March 31, 2017.
2. On March 3, 2017, Petitioner returned his Redetermination (DHS-1010) form and verification of 4 bank accounts, two savings accounts in his son's name, a savings account in Petitioner's name and a checking account in Petitioner's name. The bank account verifications were for the period January 1 – 31, 2017. (Department Exhibit A pages 22 & 23)

3. On March 20, 2017, Petitioner was sent a Verification Checklist (DHS-3503) requesting current verification of the savings and checking accounts. The verifications were due by March 30, 2017.
4. On March 23, 2017, Petitioner submitted a current verification for the checking account in his name and one of the savings accounts in his son's name.
5. On April 3, 2017, the Department had not received verification of the other two accounts. Petitioner was sent a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) was closed beginning April 1, 2017, for failure to provide verification of the two savings accounts.
6. On April 7, 2014, 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.

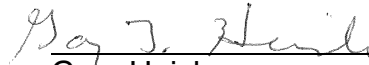
During this hearing, Petitioner testified that his son did not have another savings account and that his savings account had the same amount in it as from January. The January statements which Petitioner submitted on March 3, 2017 show that his son did have two savings accounts. The Department is required by law to verify all eligibility factors before issuing assistance. The evidence in this record shows that Petitioner's Food Assistance Program (FAP) benefit group had a total of four bank accounts. It is undisputed that that when Petitioner's Food Assistance Program (FAP) annual certification period ended on March 31, 2017, the Department had not receive all the required asset verifications.

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) beginning April 1, 2017.

**DECISION AND ORDER**

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

GH/nr



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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]

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[REDACTED]

**Petitioner**

[REDACTED]