



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: June 13, 2017  
MAHS Docket No.: 17-005851  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Denise McNulty

**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 June 7, 2017, from Lansing, Michigan. Petitioner did not appear. [REDACTED] Authorized Hearing Representative for Petitioner, was present for the hearing. The Department of Health and Human Services (Department) was represented by [REDACTED] Assistant Payment Worker, and [REDACTED] Supervisor/Family Independence Manager.

**ISSUE**

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (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 was an ongoing recipient of FAP benefits.
2. The Department provided Petitioner a Notice of Time-Limited Food Assistance Countable Month on three separate occasions advising her that she had failed to meet the monthly requirements to maintain her FAP benefits. The last notice was provided on March 30, 2017. [Exhibit A, p. 4.]
3. On March 30, 2017, the Department sent Petitioner a Notice of Case Action notifying her that her FAP case would close on April 30, 2017. [Exhibit A, p. 5.]

4. On April 26, 2017, the Department received Petitioner's request for hearing disputing the Department's actions concerning her FAP benefits. Petitioner further advised the Department that she had a mental illness.
5. The Department attempted to work with Petitioner's Authorized Hearing Representative (AHR) to obtain the required documentation of Petitioner's condition for a deferral from TLFA policy.
6. The AHR has been unsuccessful in obtaining the required documentation as of the date of this hearing.

### **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.

The Department closed Petitioner's case for FAP benefits because Petitioner failed to meet the work requirements to receive benefits. Effective January 1, 2017, all individuals aged 18-49, without good cause or a deferral, living in Washtenaw County, must meet specific work requirements to receive FAP benefits. BEM 620 (January 2017), p. 1. Petitioner is a resident of Washtenaw County. [Exhibit A, p. 2.] The Department notified Petitioner each month of her need to document completion of specific work requirements. Petitioner did not provide the Department with any documentation that she had complied with the requirements of the TLFA policy. Each month in which an individual does not meet the specific work requirements, without a deferral or a showing of good cause, that month becomes a countable month under the policy. BEM 620 (January 2017), p. 5. Failure to meet the work requirements for three countable months within a 36-month period limits eligibility for benefits to three months. In 2017, Petitioner received benefits for at least a three month time period prior to the date of hearing.

Unless deferred, an individual must perform one of the following: (i) work at least 80 hours monthly (20 hours/week on average); or (ii) participate 80 hours monthly in an employment and training program through Michigan Works Agency! (MWA); or (iii) participate in self-initiated community services activities. The number of volunteer service hours worked each month must equal the food assistance benefit amount divided by state minimum wage. BEM 620 (January 2017), pp. 2-3. Each month an

individual fails to meet one of the enumerated requirements is deemed a countable month. BEM 620 (January 2017), p. 5. An individual can receive a deferral if determined to be medically certified as physically or mentally unfit for employment. BEM 620 (January 2017), p. 2.

On April 26, 2017, Petitioner advised the Department that she has a mental illness which she believes would allow her to continue to be eligible for FAP benefits. The Department attempted to work with Petitioner's AHR to obtain documentation for a deferral from TLFA policy, to no avail. At the time of the hearing, the AHR is still attempting to obtain documentation.

Because Petitioner lives in a County in which the TLFA policy is in effect and applicable to her circumstances, and she has failed to meet the specific work requirements for at least three countable months without a deferral or a showing of good cause, the Department acted properly when it terminated FAP benefits.

### **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 closed Petitioner's FAP benefits case.

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



DM/nr

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Denise McNulty  
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**

Summer Wheeler

[REDACTED]

**Petitioner**

[REDACTED]

**Authorized Hearing Rep.**

[REDACTED]