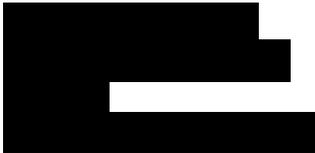




RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: June 12, 2017
MAHS Docket No.: 17-005866
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 May 31, 2017, from Lansing, Michigan. Petitioner appeared and represented herself. Petitioner was accompanied by her sister, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED] Eligibility Specialist and [REDACTED] Observer.

ISSUE

Did the Department properly close Petitioner's 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. In connection with a reported change, the Department sent Petitioner a Verification Checklist (VCL) on March 15, 2017. The Department requested verification of assets for all members of the FAP group, which included, Petitioner and her two sons.
3. On March 21, 2017, Petitioner faxed in a portion of the requested documentation. Verification of wages and current bank statements for one member of the group had not been included with the faxed documentation.

4. On April 10, 2017, the Department issued a Notice of Case Action closing Petitioner's FAP case.
5. On April 13-14, 2017, Petitioner submitted the outstanding documentation to the Department via fax.
6. On April 26, 2017, the Department received Petitioner's request for hearing disputing the Department's actions concerning her FAP case.

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, prompted by a report of changes, the Department issued a VCL on March 15, 2017. Petitioner was advised to provide verification of assets for all FAP group members by March 27, 2017. BAM 130 (April 1, 2017), p. 9; BEM 400 (July 1, 2016) p. 5. Petitioner did not provide all requested documentation timely and her FAP case was closed. Petitioner requested a hearing to address the closure of her FAP case.

When a client notifies the Department of a change the Department is required to address same within 10 days. BAM 200 (July 1, 2017), p. 4. The client is required to obtain and provide the verification requested by the Department for determination of their eligibility for benefits. BAM 130 (April 1, 2017), p. 3. Petitioner provided a portion of the requested documents prior to the deadline, however, that information was insufficient for the Department to make a determination regarding her FAP benefits. More than ten days after the due date Petitioner supplied the remaining requested documents.

Initially Petitioner indicated that she had faxed all of the requested verification in the initial fax on March 21, 2017. [Exhibit 2.] Then she stated she faxed them separately on the same day but did not have documentation of that with her at the hearing. Information regarding the monthly financial contribution she receives from her husband, who does not live in the home, was not sent to the Department until April 13, 2017. [Exhibit 4.] Documents faxed to the Department on April 14, 2017, included a banking statement and paycheck stubs which addressed activity that occurred after March 21, 2017. [Exhibit 5, pp. 1-9.] Petitioner was clearly mistaken when she stated she had

provided the documents in her March 21, 2017, fax to the Department. A group loses its right to uninterrupted FAP benefits if it fails to submit requested verification timely. BAM 210 (July 1, 2016), p. 20.

Therefore, the Department acted in accordance with Department policy when it closed Petitioner's FAP case.

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 case.

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



DM/nr

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

[REDACTED]

Petitioner

[REDACTED]