



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 20, 2017
MAHS Docket No.: 17-006473
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 14, 2017, from Lansing, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Assistance Payment Supervisor.

ISSUE

Did the Department properly leave Petitioner's Food Assistance Program (FAP) benefits amount at \$ [REDACTED] for March 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 FAP benefits.
2. In connection with a reported change, the Department sent Petitioner a Verification Checklist (VCL) on February 1, 2017. [Exhibit A, pp. 1-5.] The Department requested verification of last 30 days of wages and verification of the end of employment as reported by Petitioner.
3. On February 14, 2017, Petitioner submitted a letter from the Employer which indicated loss of employment and the final pay date (January 13, 2017.) [Exhibit A, p. 6.]

4. On May 17, 2017, the Department issued a Benefit Notice on Petitioner's FAP case, notifying Petitioner that FAP benefits for March 2017 were approved in the amount of \$ [REDACTED]
5. On May 23, 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 change, the Department issued a VCL on February 1, 2017. Petitioner was advised to provide verification of last 30 days of wages and proof of end of employment. 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. The Department used the pay stubs that had been submitted by Petitioner to calculate her FAP benefits. Petitioner has not submitted her final paycheck stub as requested. Petitioner's benefits were not changed from the previously determined amount of \$ [REDACTED]. There was no lapse in benefits.

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 any increase in Petitioner's FAP benefits.

Petitioner indicated that she has not tried to retrieve a copy of her final paycheck stub since the due date for verification which was in February 2017. A group loses its right to uninterrupted FAP benefits if it fails to submit requested verification timely. BAM 210 (July 1, 2016), p. 20. Since Petitioner did not provide the requested verification which was necessary and required by policy for the Department to assess her eligibility for benefits the Department acted in accordance with policy when her benefits were closed and subsequently reinstated without an adjustment.

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 left Petitioner's FAP benefits at \$ [REDACTED] for March 2017.

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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]