



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 29, 2017
MAHS Docket No.: 17-006678
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 28, 2017, from Lansing, Michigan. The Petitioner represented herself. [REDACTED] accompanied Petitioner at the hearing. The Department of Health and Human Services (Department) was represented by [REDACTED] Assistant Payment Worker/Hearing Coordinator and [REDACTED] Assistant Payment Worker.

ISSUE

Did the Department properly deny Petitioner's application 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 submitted an online application for FAP benefits on April 19, 2017.
2. On April 20, 2017, the Department conducted a telephone interview with Petitioner. Petitioner was advised what documentation she needed to submit to the Department to complete her application.
3. The Department sent Petitioner a Verification Checklist (VCL), Verification of Employment (VE) requests and a Shelter Verification (SV) on April 20, 2017. [Exhibit B.]

4. The mailed forms were returned undelivered. [Exhibit C.] Petitioner was having difficulty with mail delivery to her home.
5. On May 2, 2017, the Department issued a Notice of Case Action advising Petitioner that FAP benefits were denied. Petitioner was further advised of the reasons for the denial and how she could continue the application process. [Exhibit D, pp. 1-2.]
6. Petitioner had telephone contact with the Department on May 10, 2017, regarding the application denial. Petitioner did not pick up the verification forms that the Department left for her at the local office.
7. On May 11, 2017, the Department received Petitioner's hearing request disputing the denial of FAP benefits.

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 an application for FAP benefits, the Department issued several verification requests to Petitioner. The mail was returned undelivered. [Exhibit C.] In a telephone interview, on April 20, 2017, Petitioner was advised what documentation was required to complete her FAP application. 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. Even after Petitioner received the Notice of Case Action, mailed May 2, 2017, advising her of the required documentation she has not provided it to date. Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (October 2016), p. 9.

The Department was unable to complete a determination of eligibility for benefits absent the requested verifications of shelter, employment and assets. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (April 2017), p. 1. Since Petitioner did not provide the requested information the Department, in accordance with policy, denied the application for 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 denied Petitioner's application for FAP benefits.

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]