



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: July 27, 2017
MAHS Docket No.: 17-007825
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 July 19, 2017, from Lansing, Michigan. Petitioner was represented by himself. The Department was represented by Assistance Payment Supervisor [REDACTED] [REDACTED]

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP)?

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. His Food Assistance Program (FAP) eligibility was due for re-determination by April 30, 2017, the end of his eligibility certification period. Petitioner receives Retirement, Survivor, Disability Income (RSDI) benefits with his father [REDACTED] as his payee.
2. On March 31, 2017, Petitioner submitted a Redetermination (DHS-1010). In section 10 Assets, Petitioner only listed a [REDACTED] checking account.
3. On April 19, 2017, Petitioner participated in a required interview. Petitioner was sent a Verification Checklist (DHS-3503). The verifications were due by May 1, 2017.

4. On May 3, 2017, Petitioner was sent [REDACTED] Verification of Assets (DHS-20). The form specified a bank account ending in [REDACTED]. The PNC account ending in [REDACTED] was reported and verified when Petitioner initially applied for Food Assistance Program (FAP) benefits. It is the account his RSDI benefits are deposited into.
5. On May 17, 2017, the Department had not received verification of the account ending in 7793. Petitioner was sent a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) was closed effective May 1, 2017.
6. On June 6, 2017, 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 was extremely disruptive and impertinent. Petitioner refused to recognize that the relevant facts of this case are only those that resulted in closure of his Food Assistance Program (FAP).

The reason Petitioner's Food Assistance Program (FAP) closed, was failure to verify the [REDACTED] bank account ending in [REDACTED]. That account was verified as "[REDACTED] (my SSDI) bank statement" in April 2015, when Petitioner applied for Food Assistance Program (FAP) benefits. During this hearing Petitioner testified that the [REDACTED] bank account is his father's and that he (Petitioner) is not a joint account holder for it. Petitioner testified the [REDACTED] bank account is for paying his bills. In his hearing request Petitioner wrote "she then asked for info on a closed acct. from last year. She closed my case because of a closed acct."

Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts (4-1-2017) provides:

DEPARTMENT POLICY

All Programs

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

Required by policy. Bridges Eligibility Manual (BEM) items specify which factors and under what circumstances verification is required.

Required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for Medicaid Assistance (MA).

Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level.

Verification of the account balance where Petitioner's monthly RSDI benefits are deposited would definitely be required. BAM 130 also requires that: clients be told what verification is required; the client must obtain the required verification; clients must be allowed 10 calendar days to provide the verification requested; and a negative action notice be sent when the time period given has elapsed and the verification has not been provided.

The April 19, 2017 Verification Checklist (DHS-3503) did not specify the [REDACTED] bank account ending in 7793 so it did not comply with BAM 130. That is why Petitioner was sent the specific request for that account on May 3, 2017. When the verification had not been received on May 17, 2017, 14 calendar days after the verification was requested, the Department certified closure of Petitioner's Food Assistance Program (FAP) at the end of his certification period, April 30, 2017.

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).

DECISION AND ORDER

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

GH/nr



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]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]