



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 25, 2017
MAHS Docket No.: 17-007934
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 appeared and represented himself. [REDACTED] Family Independence Manager (FIM) appeared on behalf of the Department of Health and Human Services (Department). [REDACTED] Family Independence Specialist (FIS), testified as a witness for the Department.

ISSUE

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

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 active for FAP benefits with monthly allotment of \$ [REDACTED] [Hearing Testimony].
2. On March 9, 2017, Petitioner applied for cash assistance and health care coverage. [Dept. Exh. 1, pp. 2-17].
3. On March 23, 2017, Petitioner was interviewed and provided the Department with information that may affect his eligibility for FAP benefits. [Dept. Exh. 1, p. 18].

4. On March 23, 2017, the Department mailed Petitioner a Verification Checklist (DHS-3503), which requested verifications regarding Petitioner's home rent and checking account. The proofs were due by April 3, 2017. [Dept. Exh. 1, pp. 19-20].
5. Petitioner did not provide the requested verifications and did not call to request assistance with obtaining the verifications before the April 3, 2017, due date.
6. On April 7, 2017, the Department mailed Petitioner a Notice of Case Action (DHS-1605), which, among other things, closed Petitioner's FAP case effective May 1, 2017, due to failure to provide requested verifications. [Dept. Exh. 1, pp. 21-25].
7. Petitioner verbally requested a hearing to dispute the FAP closure on June 6, 2017. [Dept. Exh. 1, p. 26].

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 the instant matter, Petitioner requested a hearing because the Department closed his FAP case. The Department contends that the case closure was proper because Petitioner failed to return requested verifications for his rent and checking account balance. Petitioner admitted that he failed to return the requested verifications because he claims the Department already had the documentation when he applied for FAP.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). The weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. The question in this matter concerns whether the Department followed the policies concerning verifications.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. The Department will obtain verification when: (1) required by policy¹; (2) required as a local office option²; or (3) 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. BAM 130 (1-1-2017), p. 1.

When obtaining verifications, the Department must tell the client what verification is required, how to obtain it, and the due date. The Department often uses the DHS-3503, Verification Checklist (VCL) to request verification. BAM 130, p. 3.

The client must obtain required verification, but the local office must assist if they need and request help. If neither the client nor the local office can obtain verification despite a reasonable effort, [the Department caseworker should] use the best available information. If **no** evidence is available, [the Department caseworker should] use [his/her] best judgment. BAM 130, p. 3.

Verifications are considered to be timely if received by the date they are due. BAM 130, p. 10.

The Department will send a case action notice when:

- The client indicates refusal to provide a verification, **or**
- The time period given has elapsed. See BAM 130, p. 8.

Based on the material, competent and substantial evidence on the whole record, this Administrative Law Judge finds that Petitioner knowingly and intentionally failed to provide the Department with requested verifications concerning rent and checking account information. Petitioner believes that the Department was not authorized to request verifications concerning his FAP case simply because he applied for cash assistance and health care coverage. However, BAM 130 clearly provides that the Department may request verifications at application/redetermination **and** for a reported change affecting eligibility or benefit level. Here, Petitioner applied for cash assistance and health care coverage and provided the Department with new information

¹ Bridges Eligibility Manual (BEM) items and MAGI policy specify which factors and under what circumstances verification is required.

² The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for Medicaid Assistance (MA).

concerning his circumstances. Then, Petitioner, during the interview, provided the Department with additional information about his circumstances. The Department is required to determine a recipient's continued eligibility for program benefits under BAM 105 (10-1-2016), pp. 18-19. Therefore, the Department properly sent Petitioner with the verification requests and was justified when it closed the FAP case because the time lapsed for Petitioner to return the verifications. See BAM 130, p. 8.


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.

DECISION AND ORDER

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

IT IS SO ORDERED.

CAP/md



C. Adam Purnell
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]