



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: July 28, 2017
MAHS Docket No.: 17-008542
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 27, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Eligibility Specialist [REDACTED] [REDACTED] and Assistance Payment Supervisor [REDACTED] [REDACTED].

ISSUE

Did the Department properly deny Petitioner's May 11, 2017, Food Assistance Program (FAP) application?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On May 11, 2017, Petitioner submitted an application for Food Assistance Program (FAP) benefits.
2. On May 11, 2017, Petitioner was sent a Verification Checklist (DHS-3503) which requested verification of both Petitioner's current earned income and loss of her previous employment. The verification was due back on May 22, 2017.
3. On May 18, 2017, the Department received 4 pages from Petitioner which did not include verification of the loss of her previous employment.

4. On May 25, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) application was denied.
5. On June 19, 2017, Petitioner submitted a hearing request and an employer statement verifying loss of her previous employment. In accordance with Bridges Administration Manual (BAM) 115 Application Processing, Petitioner's Food Assistance Program (FAP) application was re-registered as a June 19, 2017 application, processed and she was determined to be eligible for FAP benefits from June 19, 2017 ongoing.

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 testified that she submitted verification of the loss of her previous employment along with the other verifications the Department received. Petitioner specifically testified that: the previous employer sent a 25 page document attached to an Email; she printed it out but only 2 of the pages addressed the loss of the employment; she faxed those two pages along with the others the Department received; and that the fax machine at her new employer does not provide verification off having sent faxes.

Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts (4-1-2017) specifies that the client must obtain verifications and that a negative action is appropriate when the time period given to submit the verifications has elapsed.

The crucial fact in electronically submitted verification cases is whether the Department received the required verification within the required time. Verification of a specific number of pages successfully faxed to a correct Department fax number shifts responsibility for the documents to the Department. However, even credible testimony of attempts to electronically submit documents to the Department, does not shift the responsibility off of Petitioner.

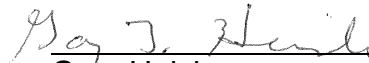
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in

accordance with Department policy when it denied Petitioner's May 11, 2017, Food Assistance Program (FAP) application.

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]