



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON  
DIRECTOR

██████████  
██████████  
████████████████████

Date Mailed: August 25, 2017  
MAHS Docket No.: ██████████ 17-008252  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton**

**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; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, an in-person hearing was held on ██████████, from Ypsilanti, Michigan. The Petitioner was represented by Petitioner. ██████████ also appeared on behalf of Petitioner. The Department of Health and Human Services (Department) was represented by ██████████, Eligibility Specialist and ██████████ Assistance Payment Supervisor.

**ISSUE**

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

**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 ██████████ ██████████ ██████████ Petitioner submitted a State Emergency Relief (SER) application.
2. During the application process for SER benefits, the Department became aware that Petitioner's son was employed.
3. On ██████████, the Department sent Petitioner a Verification Checklist (VCL) requesting banking and employment information regarding Petitioner as it related to Petitioner's FAP benefits.
4. The requested information was due on or before ██████████.

5. On [REDACTED], the Department sent Petitioner a VCL requesting employment information as it related to Petitioner's son.
6. The requested information was due on or before [REDACTED].
7. Petitioner submitted information in an effort to comply with the required documentation.
8. The Department deemed the information to be insufficient to allow it to determine Petitioner's eligibility for FAP benefits.
9. On [REDACTED], the Department sent Petitioner a Notice of Case Action which notified Petitioner that her FAP benefits would close effective [REDACTED].
10. On [REDACTED], Petitioner filed a Request for Hearing disputing the Department's actions.

### **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, Petitioner applied for SER benefits on [REDACTED]. The Department subsequently denied that application. Petitioner did not request a hearing as a result of the denial of SER benefit. However, during the SER application process, the Department indicated that it became aware of Petitioner's son's employment. As a result, on [REDACTED], the Department sent Petitioner a VCL requesting banking and employment information as it related to Petitioner. Additionally, the Department sent a VCL requesting employment information regarding Petitioner's son.

Petitioner returned the requested information. The Department acknowledged receipt of the documents submitted by Petitioner. However, the Department testified that the documentation relating to Petitioner's son's employment was insufficient as it wanted employment information from his previous employment. The Department indicated that it was attempting to verify the loss of employment.

The Department indicated that because it did not receive any information relating to the loss of employment, it sent Petitioner a Notice of Case Action on [REDACTED] which notified Petitioner that her FAP benefits would close effective [REDACTED]. The VCL sent to Petitioner by the Department did not list any specific employer. Petitioner indicated that she returned information relating to her son's current employer. Under policy, the Department is required to send a negative action notice when:

- The client indicates refusal to provide a verification, **or**
- The time period given has elapsed and the client has **not** made a reasonable effort to provide it. BAM 130 (April 2017), p. 7.

It is found that Petitioner made a reasonable effort to provide the requested verification given the information listed on the VCL. As such, 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 did not act in accordance with Department policy when it closed Petitioner's FAP benefits effective July 1, 2017.

### **DECISION AND ORDER**

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's eligibility for FAP benefits effective [REDACTED]
2. Issue supplements Petitioner was eligible to receive but did not effective [REDACTED]; and
3. Notify Petitioner in writing of its decision.

JAM/tlf



---

**Jacquelyn A. McClinton**  
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

**Via Email:**

[REDACTED]

**Petitioner – Via First-Class Mail:**

[REDACTED]