



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: August 23, 2017
MAHS Docket No.: 17-009010
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; 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, a telephone hearing was held on [REDACTED], from Detroit, Michigan. The Petitioner was present and unrepresented. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits when Petitioner failed to provide verification of assets?

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 FAP benefits.
2. On [REDACTED], in an application for Medical Assistance (MA) benefits, Petitioner informed the Department of his employment with Employer (Employer) and that he had assets in several checking/savings accounts.
3. On [REDACTED], the Department sent Petitioner a Verification Checklist (VCL), in connection with his FAP benefits, requesting verification of his assets. Petitioner was also advised that verifications were due by [REDACTED].

4. Petitioner did not provide verification of his assets, as requested, until [REDACTED]
5. On [REDACTED], the Department issued a Notice of Case Action advising Petitioner that FAP benefits would be closed as of [REDACTED]. Petitioner was further advised of the reasons for the planned closure of FAP benefits. [Exhibit 1, pp. 9-10.]
6. On [REDACTED], the Department received Petitioner's request for hearing disputing the Department's actions concerning his 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 information provided by Petitioner in an application for MA benefits, the Department issued a VCL request. In the application, Petitioner reported a change in circumstance that may have impacted his eligibility. In FAP cases when there is a reported change, the Department must act within 10 days of becoming aware of the change. BAM 220 (7/1/17), p. 8. Clients must take actions within their ability to obtain verifications. MDHHS staff must assist when necessary. BAM 105 (10/1/16), p. 14. Petitioner did not request assistance in obtaining the requested verifications.

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. Petitioner received the Notice of Case Action, mailed [REDACTED], advising him of the required documentation; and he did not provide it until [REDACTED]. Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (October 2016), p. 9.

Verifications are considered to be timely if received by the date they are due. *Id.* at p. 7. Petitioner's verifications were not timely. Petitioner did not provide the Department with the required information, in a timely manner, to aid in the determination of his eligibility for FAP benefits. The Department followed policy when it closed Petitioner's FAP benefits beginning [REDACTED]-ongoing.

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 closed Petitioner's FAP benefits beginning [REDACTED]-ongoing.

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



DM/jaf

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]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
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[REDACTED]
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