



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 24, 2017
MAHS Docket No.: 17-009088
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, telephone hearing was held on [REDACTED], from Detroit, Michigan. The Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner’s Food Assistance Program (FAP) benefits application effective [REDACTED]?

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 submitted an application for FAP benefits on [REDACTED].
2. Prompted by the application the Department sent Petitioner a Verification Checklist (VCL) with a due by date of [REDACTED].
3. The Department alleged it did not receive completed verifications by [REDACTED]. Petitioner alleged she faxed over all requested verification on [REDACTED]. [Exhibit A.]

4. On [REDACTED], the Department sent Petitioner a Notice of Case Action notifying her that her benefits were denied, [REDACTED]-ongoing, for failing to provide the requested verification. [Exhibit A, pp. 6-7.]
5. Petitioner provided the missing verifications on [REDACTED].
6. On [REDACTED], the Department received Petitioner's signed request for a 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 requested a hearing disputing the denial of FAP benefits. Prompted by the Petitioner's [REDACTED], application for FAP benefits, the Department requested Petitioner provide employment verification and paycheck stubs by [REDACTED], [REDACTED]. 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 alleged she submitted all required documents on [REDACTED]. On [REDACTED], the Department sent Petitioner a Notice of Case Action advising her that requested verifications had not been received. [Exhibit A, pp. 6-7.] Additionally, Petitioner was advised that if the requested verifications were returned within 30 days of her application that her eligibility would be determined from the date of her application. BAM 130 (April 2017), p. 8. Petitioner did not submit all requested verifications until [REDACTED].

In accordance with policy, the Department properly denied Petitioner's application for FAP benefits when the requested verifications were not returned timely. Petitioner had adequate notice that her application for FAP benefits would be denied if verifications were not received by the due date and that her eligibility would only be determined from the date of application if verifications were received within 30 days of the application. *Id.*

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 denied Petitioner's application for FAP benefits.

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]

[REDACTED]

[REDACTED]

[REDACTED]