



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 25, 2017  
MAHS Docket No.: 17-009256  
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 represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Program Worker.

### **ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits which had previously been approved on an expedited basis?

### **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. The Department provided expedited service of Petitioner's FAP application.
3. On [REDACTED], Petitioner was interviewed by the Department and a Verification Checklist (VCL) was mailed out to her at the address she had provided. The VCL was returned "moved left no address, unable to forward, return to sender" on [REDACTED].

4. On [REDACTED], the Department sent Petitioner a Notice of Case Action, it too returned because it was undeliverable.
5. On [REDACTED], the Department received Petitioner's request for hearing disputing the actions taken on her 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.

Petitioner requested a hearing to dispute the closure of her FAP benefits. Petitioner applied for FAP benefits in early [REDACTED]. The Department closed Petitioner's FAP benefits when it did not receive requested verifications and did not have a way to contact her.

The Department provides expedited service for the issuance of FAP benefits in order to help the neediest clients quickly. BAM 117 (July 2014), p. 1. A client that is granted expedited service is required to (i) submit an Assistance Application; (ii) participate in an interview; and (iii) cooperate with verification requirement. BAM 117 (July 2014), p. 1. When the Department provides expedited service for FAP benefits there is a temporary waiver regarding the requirement to provide some information upon initial application. The Department provided Petitioner expedited service for FAP benefits. Petitioner submitted an application and participated in an interview as required. On [REDACTED] [REDACTED] the Department sent Petitioner a Verification Checklist (VCL) it returned undeliverable. On [REDACTED], the Department sent Petitioner a Notice of Case Action; it too was returned by the Post Office indicating that Petitioner had moved and had not provided a forwarding address. [Exhibit A, pp. 36, 38.]

Petitioner was required to submit verifications to the Department by [REDACTED]. The verifications were not provided to the Department by that due date. Food Assistance groups that did **not** provide all required verifications will **not** be issued benefits for subsequent months until the FAP group provides the waived verification **or** completes a redetermination. BAM 117 (July 2014), p. 5. If waived verifications/actions are **not** submitted by the 10th day following the request, policy provides that the Department is

required to deny the ongoing FAP benefits for the remainder of the benefit period. BAM 117 (July 2014), p. 6.

Petitioner has the responsibility to ensure that her mailing address is accurate and that she can receive mail at the address provided. Petitioner has had difficulty in the past with the addresses she has provided to the Department. [Exhibit A, p. 7.] Accordingly, it is found that the Department followed policy when it closed Petitioner's FAP benefits when the required verifications had not been submitted and the mail that had been sent to Petitioner was returned without a forwarding address.

### **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.

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



DM/jaf

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**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]