



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: August 30, 2017  
MAHS Docket No.: 17-009656  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Carmen G. Fahie

### **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 August 23, 2017, from Lansing, Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED] Eligibility Specialist.

### **ISSUE**

Did the Department properly deny Petitioner's Redetermination Application for Food Assistance Program (FAP) benefits because of failure to provide required verification?

### **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 a recipient of FAP benefits with a redetermination due June 2017.
2. On June 7, 2017, the Department Caseworker sent Petitioner a Verification Checklist, DHS 3503, which was due June 19, 2017, of shelter expenses that was sent to Petitioner's address of [REDACTED]. Department Exhibit 1, pgs. 6-9.
3. On June 21, 2017, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that he was eligible for FAP benefits of \$ [REDACTED] per month effective

July 1, 2017, through June 30, 2019, without any shelter verification, heat/utility standard, and non-heat electric standard. Department Exhibit 1, pgs. 10-11.

4. On July 7, 2017, Petitioner submitted his Shelter Verification, DHS 3688, to the Department so that they could determine his eligibility for FAP. Department Exhibit 1, pgs. 1213.
5. On July 14, 2017, the Department received a hearing request from Petitioner, contesting the Department's negative action.
6. On July 25, 2017, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that he was eligible for an increase in FAP benefits of \$ [REDACTED] per month effective August 1, 2017, through June 30, 2019, after his shelter amount was verified and heat/utility standard. Department Exhibit 1, pgs. 14-15.

### **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 was a recipient of FAP benefits with a redetermination due June 2017. On June 7, 2017, the Department Caseworker sent Petitioner a Verification Checklist, DHS 3503, which was due June 19, 2017, of shelter expenses that was sent to Petitioner's address of [REDACTED]. Department Exhibit 1, pgs. 6-9. On June 21, 2017, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that he was eligible for FAP benefits of \$ [REDACTED] per month effective July 1, 2017, through June 30, 2019, without any shelter verification, heat/utility standard, and non-heat electric standard. Department Exhibit 1, pgs. 10-11.

On July 7, 2017, Petitioner submitted his Shelter Verification, DHS 3688, to the Department so that they could determine his eligibility for FAP. Department Exhibit 1, pgs. 1213. On July 14, 2017, the Department received a hearing request from Petitioner, contesting the Department's negative action. On July 25, 2017, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that he was eligible for an increase in FAP benefits of \$ [REDACTED] per month effective August 1, 2017, through June 30, 2019, after his shelter amount was verified and heat/utility standard. Department Exhibit 1, pgs. 14-15. BEM 554 and 556.

During the hearing, Petitioner stated that he did not receive his Shelter Verification, DHS 3688, in a timely manner even though the Department mailed the forms out on June 7, 2017, with a due date of June 19, 2017, to his address of [REDACTED]. Petitioner stated that he was having a problem with his mail, but the mail was not returned to the Department as undeliverable. In addition, Petitioner used the Shelter Verification, DHS 3688, which was sent to him by the Department on June 7, 2017. He stated that he only got it in the mail two days before he submitted it to the Department, but he did not save the envelope. As a result, the actual date that he received the shelter is in question, but that is between him and the Post Office. The Department mailed the notice timely.

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 initially processed the Petitioner's eligibility for FAP benefits without his shelter verification because it was not received timely.

**DECISION AND ORDER**

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

*Carmen G. Fahie*

CF/md

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**Carmen G. Fahie**  
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]