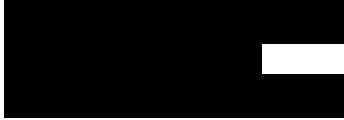




RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR



Date Mailed: August 30, 2017  
MAHS Docket No.: 17-009746  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

### **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 herself. The Department of Health and Human Services (Department) was represented by [REDACTED], FIM. [REDACTED], AP Specialist, also appeared and testified for the Department. Department Exhibit 1, pp. 1-23 was received and admitted. Petitioner Exhibit A, pp. 1-20 was received and admitted.

### **ISSUE**

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefits?

### **FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Redetermination paperwork was sent to Petitioner on May 4, 2017, with a June 1, 2017, deadline.
2. Petitioner submitted incomplete redetermination paperwork on June 29, 2017,
3. Petitioner received \$ [REDACTED] FAP benefit for July 2017.

4. On July 12, 2017, Petitioner's updated employment income, rental obligation and child care expenses were budgeted which resulted in \$■■■■ FAP benefit for August 2017.
5. On July 14, 2017, Petitioner requested hearing contesting the reduction of her July 2017 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.

#### **All Programs**

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- Required by policy. Bridges Eligibility Manual (BEM) items specify which factors and under what circumstances verification is required.
- Required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for Medicaid Assistance (MA).
- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level.  
BAM 130

## FAP Client Failure to Meet Redetermination Requirements

### FAP Only

#### Delays

The group loses its right to uninterrupted FAP benefits if it fails to do any of the following:

File the FAP redetermination by the timely filing date.

Participate in the scheduled interview.

Submit verifications timely, provided the requested submittal date is **after** the timely filing date.

Any of these reasons can cause a delay in processing the redetermination. When the group is at fault for the delay, the redetermination must be completed within 30 days of the compliance date.

If there is no refusal to cooperate and the group complies by the 30th day, issue benefits within 30 days of the compliance date. Benefits are not prorated. BAM 210

In this case, the only issue in dispute at the time of hearing was Petitioner's FAP benefit for July 2017. Petitioner submitted a fax confirmation printout showing that she faxed 16 pages including her Redetermination form dated May 4, 2017, to DHHS Central Scan at 12:31 PM on June 29, 2017. Those redetermination forms were due by June 1, 2017. Petitioner's case worker did not receive the submission into the electronic case file until July 3, 2017, when she attempted to process the submission. (Dept. Ex.1, p.16) Additional information was needed from Petitioner that was obtained from her case worker on July 12, 2017. After all information required for the redetermination was processed, the Department determined that Petitioner was entitled to \$█ in FAP benefits per month beginning August 1, 2017.

Petitioner questioned why her submission on June 29, 2017, could not have been processed to affect her July 2017 FAP benefit amount. Petitioner also expressed frustration at hearing because the fluctuation in her FAP benefits caused fluctuations in her rental obligation and vice versa. Petitioner pointed out that those fluctuations caused her to be required to submit paperwork several times a year. Department policy dictates the manner in which and the frequency with which verifications are required to be provided. Department policy also has instructions concerning processing redeterminations that were not submitted in a timely manner. BAM 210 In reviewing the Department action, the verifications requested of Petitioner and the manner in which they were processed comported with Department policy. Because Petitioner submitted her redetermination paperwork after the June 1, 2017, deadline, the Department had 30

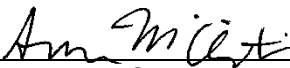
days to process the submission. The Department's processing of Petitioner's June 29, 2017, comported with Department policy. BAM 220

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 determined Petitioner's FAP benefits.

**DECISION AND ORDER**

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

AM/md



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**Aaron McClintic**

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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Petitioner**

[REDACTED]