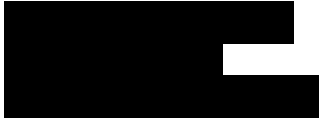




RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON  
DIRECTOR



Date Mailed: September 12, 2017  
MAHS Docket No.: 17-010035  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Gary Heisler

**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; 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 September 5, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Assistance Payment Supervisor [REDACTED] [REDACTED]

**ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) beginning July 1, 2017?

**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 Food Assistance Program (FAP) benefits. Her eligibility was due for redetermination by May 1, 2017.
2. On March 4, 2017, Petitioner was sent a Redetermination (DHS-1010) which was due back by April 4, 2017, with required proofs.
3. On April 4, 2017, Petitioner was sent a Notice of Missed Interview (DHS-254) which stated it was her responsibility to reschedule her Food Assistance Program (FAP) interview by June 30, 2017.
4. On April 24, 2017, Petitioner was sent a Verification Checklist (DHS-3503) along with a Verification of Assets (DHS-20) and a Verification of Employment (DHS-38) for [REDACTED]. The verifications were due back on May 4, 2017.

5. On May 3, 2017, a letter was issued from the office of [REDACTED] which stated Petitioner had been off work from November 28, 2016 through April 30, 2017. The letter also stated that Petitioner could resume work duties as of May 1, 2017.
6. On May 23, 2017 Petitioner was sent another Verification Checklist (DHS-3503) requesting verification of her last 30 days earned income and loss of employment. The verifications were due back on June 2, 2017.
7. On June 8, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) would close beginning July 1, 2017. The closure reason was failure to verify loss of employment or earned income.
8. On July 25, 2017, Petitioner submitted a hearing request. In the request Petitioner stated that [REDACTED] was now [REDACTED].
9. On July 31, 2017, Petitioner's case worker, [REDACTED] telephoned [REDACTED] [REDACTED] and was told the change had occurred on June 1, 2017. [REDACTED] was also told that Petitioner had not given them an employment verification since June 2016.

### **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.

During this hearing Petitioner asserted that she had not returned a Verification of Employment (DHS-38) from [REDACTED] because she had not been able to get in contact with them. The information in this record indicates that Petitioner was given a Verification of Employment (DHS-38) on April 24, 2017 and another on May 23, 2017. The change from [REDACTED] to [REDACTED] did not occur until June 1, 2017. Petitioner's assertion that she was unable to contact her employer or former employer, is not found credible.

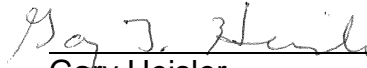
Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts provides that a Food Assistance Program (FAP) negative action should be sent when the client indicates refusal to provide a verification or the time period given has elapsed.

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 close Petitioner's Food Assistance Program (FAP) beginning July 1, 2017.

**DECISION AND ORDER**

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

GH/nr

  
\_\_\_\_\_  
Gary Heisler  
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]