



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: April 14, 2017  
MAHS Docket No.: 17-003435  
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 April 11, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Hearing Facilitator [REDACTED].

### **ISSUE**

Did the Department properly process Petitioner's January 9, 2017 Food Assistance Program (FAP) application?

### **FINDINGS OF FACT**

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

1. On August 10, 2016, Petitioner was sent a Health Care Coverage Determination Notice (DHS-1606).
2. On January 9, 2017, Petitioner submitted an application for Food Assistance Program (FAP) benefits.
3. On January 12, 2017, Petitioner was sent a Verification Checklist (DHS-3503) requesting her last 30 days of check stubs or earning statements.
4. On January 24, 2017, a Verification of Employment (DHS-38) was submitted to the Department by [REDACTED], one of Petitioner's previous employers. The

verification listed Petitioner as employed and stated her last paycheck was September 15, 2016.

5. On February 7, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) application was denied for failure to provide verification of earned income.
6. On February 14, 2017, the Department received verification of Petitioner's earned income from [REDACTED] during September 2016. Petitioner's application was put through subsequent processing. Petitioner was sent a Notice of Case Action (DHS-1605) which stated she was approved for Food Assistance Program (FAP) benefits from February 10, 2017 ongoing.
7. On February 22, 2017, Petitioner submitted a State Emergency Relief (SER) application.
8. On February 23, 2017, Petitioner was sent an Application Notice (DHS-1150) which stated she was not eligible for State Emergency Relief (SER).
9. On March 2, 2017, Petitioner submitted a hearing request.
10. The Medical Assistance (MA) portion of Petitioner's hearing request is dismissed because it was not submitted within 90 calendar days, as required by Bridges Administration Manual (BAM) 600 Hearings.
11. During this hearing Petitioner stated she no longer needs a hearing on the State Emergency Relief (SER) issue. That portion of the hearing request is dismissed.

### **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.

The evidence submitted by the Department indicates that the January 24, 2017, Verification of Employment (DHS-38) submitted to the Department by [REDACTED], was not considered sufficient because it did not have income records attached. It did state that Petitioner's last earned income from them was paid on September 15, 2016. The Verification Checklist (DHS-3503) only requested verification of Petitioner's

last 30 days of earned income. The Verification of Employment (DHS-38) submitted by [REDACTED] was sufficient.

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 did not act in accordance with Department policy when it processed Petitioner's January 9, 2017 Food Assistance Program (FAP) application.

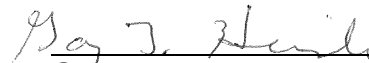
### **DECISION AND ORDER**

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Re-register Petitioner's January 9, 2017 Food Assistance Program (FAP) application using the date of application and process it in accordance with Department policy.
2. Supplement Petitioner any Food Assistance Program (FAP) benefits she was eligible for but did not receive due to this incorrect action.

GH/nr



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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]

**Petitioner**

[REDACTED]