



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: May 19, 2017  
MAHS Docket No.: 17-005250  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Alice C. Elkin**

**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 May 17, 2017, from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Tionna Crawford, Eligibility Specialist, and Gloria Thompson, Family Independence Manager.

**ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) case?

**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 FAP recipient.
2. Effective April 1, 2017, Petitioner's FAP case closed.
3. On [REDACTED], 2017, the Department received Petitioner's request for hearing disputing the Department's action.
4. On [REDACTED] 2017, Petitioner reapplied for FAP and was approved.

## **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).

Petitioner requested a hearing disputing the closure of her FAP case effective April 1, 2017 and the denial of her State Emergency Relief (SER) case. At the hearing, Petitioner testified that her SER issue was resolved and she no longer wished to proceed with a hearing concerning SER. Accordingly, the SER issue is dismissed and the hearing proceeded to address Petitioner's FAP issue.

### **FAP**

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 Department explained that Petitioner's FAP case closed due to her failure to return a completed Wage Match Client Notice concerning her daughter's employment. When the Department becomes aware through employment information it accesses from the Unemployment Insurance Agency (UIA) that a client has household income significantly inconsistent with the Department's information in the client's file, the Department must reconcile the discrepancy by sending the client a Wage Match Client Notice and requiring that the client provide verification of wage match earnings within 30 days. BAM 802 (April 2017), pp. 1-2. If verifications are not returned by the 30<sup>th</sup> day, case action will need to be initiated to close the case in the Department's system. BAM 802, p. 2.

In this case, the Department did not present any documentation to establish that it sent Petitioner a Wage Match Client Notice. Also, the Department acknowledged, consistent with Petitioner's testimony, that it had not notified Petitioner of the FAP case closure via a written notice of case action, contrary to Department policy. BAM 220 (April 2017), pp. 2-5. Under the evidence presented, the Department failed to establish that it properly closed Petitioner's FAP case.

At the hearing, Petitioner also expressed concerns about the amount of FAP benefits she was issued in February 2017 and March 2017. However, because her hearing request disputed only the closure of her FAP case, the issue of the amount of her FAP benefits was not properly presented for the current hearing. Petitioner was advised that she could request a hearing on that matter in accordance with Department policy.

**DECISION AND ORDER**

Based on Petitioner's withdrawal of her hearing request with respect to denial of her SER application, the hearing request concerning her SER issue is **DISMISSED**.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's FAP case effective April 1, 2017. Accordingly, the Department's FAP 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. Reinstate Petitioner's FAP case effective April 1, 2017;
2. Reprocess Petitioner's FAP eligibility for April 2017 and issue supplements to Petitioner for FAP benefits she was eligible to receive but did not from April 1, 2017 ongoing; and
3. Notify Petitioner in writing of its decision.



ACE/tlf

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**Alice C. Elkin**  
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

**Via Email:**

MDHHS-Wayne-15-Greydale-Hearings@michigan.gov  
BSC4 Hearing Decisions  
D. Sweeney  
M. Holden  
MAHS

**Petitioner –  
Via First-Class Mail:**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]