



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

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Date Mailed: June 20, 2017  
MAHS Docket No.: 17-006142  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton**

**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 June 12, 2017, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by ██████████  
██████████ Hearing Facilitator.

**ISSUE**

Did the Department properly process Petitioner's change in circumstances?

**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 April 28, 2017, Petitioner submitted a Semi-Annual Contact Report in which she reported a loss of employment.
2. On April 28, 2017, the Department sent Petitioner a Verification Checklist (VCL) requesting that she provided proof of loss of income; a statement from Michigan Works; and a copy of her school schedule.
3. The VCL contained a due date of December 21, 2015.
4. On May 11, 2017, Petitioner appeared at a Department office to inquire as to what was being requested and when the documents were due.

5. The Department verbally informed Petitioner that the requested information was due on or before May 22, 2017.
6. Also on May 11, 2017, the Department sent a second VCL which requested the same information as the April 28, 2017 VCL.
7. The May 11, 2017 VCL also contained a due date of December 21, 2015.
8. On May 11, 2017, Petitioner filed a Request for Hearing indicating that the Department had failed to process her change in circumstances.

### **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 submitted a change in circumstance on April 28, 2017. Petitioner filed a Request for Hearing on May 11, 2017; 13 days later. Under policy, the Department is required to act on a reported change within 10 days. Acting on a reported change could include sending a VCL to the client to request documents needed for processing. However, the undersigned finds that the Department failed to act on the reported change within 10 days as the VCL it sent to Petitioner contained an invalid due date and thus was defective. As such, it is found that the Department failed to process Petitioner's change in circumstance within 10 days.

At the hearing, Petitioner stated that she was unclear what documents were required to be submitted. Petitioner properly established that she is unable to obtain a proof of loss statement from her previous employer. The Department is not allowed to deny or terminate assistance because an employer or other source refuses to verify income. BEM 501 (July 2016), p. 9. Further, under Department policy, verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 (April 2017), p. 1. As such, if Petitioner has made a reasonable attempt to obtain the verification from employer, her verbal statements are a sufficient source of verification. Further, Petitioner now understands that she is required to provide verifications for EACH requested proof. Lastly, the undersigned finds that the request for a statement from MWA is improper and should not have been included on the verification.

**DECISION AND ORDER**

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 fail to timely process Petitioner's change in circumstance at the time the Request for Hearing was filed.

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. Process Petitioner's April 28, 2017 change relating to her loss of employment;
2. Issue supplements Petitioner was eligible for but did not receive as a result of the April 28, 2017 reported change; and
3. Notify Petitioner in writing of its decision.

JM/hw



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**Jacquelyn A. McClinton**  
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]

**Petitioner**

[REDACTED]  
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