



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: July 7, 2017
MAHS Docket No.: 17-006417
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; 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, an in-person hearing was held on June 29, 2017, from Detroit, Michigan. The Petitioner was present and was represented by ██████████, Authorized Hearing Representative (AHR). The Department of Health and Human Services (Department) was represented by ██████████ Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner's application for 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. Petitioner applied for FAP benefits on February 28, 2017.
2. On March 2, 2017, Petitioner was interviewed relating to her application for FAP benefits.
3. Following the interview, the Department sent Petitioner a Verification Checklist (VCL) requesting that she provide proof of shelter expense, as well as information relating to her assets.

4. The requested information was due to be returned on or before March 13, 2017.
5. The Department did not receive the requested information by the due date and on March 13, 2017, it sent Petitioner a Notice of Case Action which informed Petitioner that her application had been denied.
6. On May 16, 2017, Petitioner filed a Request for Hearing disputing the Department's actions.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

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.

FIP

The hearing was requested to dispute the Department's action taken with respect to the FIP and FAP benefits. Shortly after commencement of the hearing, Petitioner acknowledged that she had not previously applied for FAP benefits. Petitioner testified that she did not wish to proceed with the hearing relating to FIP benefits and requested to withdraw her request for hearing on the matter. The Department agreed to the dismissal of the hearing request as relates to FIP benefits. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing as relates to FIP benefits is, hereby, **DISMISSED**.

FAP

Additionally, verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM 130 (January 2017), p. 1. In this case, Petitioner submitted an application for FAP benefits on February 28, 2017. On March 2, 2017, the Department sent Petitioner a Verification Checklist (VCL)

requesting that she provide proof of shelter expense as well as information relating to her assets. The proofs were due by March 13, 2017. The Department indicated that it did not receive the requested information and as such sent Petitioner a Notice of Case Action informing Petitioner that her application had been denied.

Petitioner testified that she took a photograph of her lease and a copy of her bank statements from [REDACTED]. Petitioner further testified that [REDACTED] was closed and she was unable to obtain any prior banking information. Petitioner indicated that she believed that she uploaded a copy of her lease and the banking information. However, Petitioner did not have any confirmation that the upload was successful. Under Department policy, the Department sends a negative action notice when:

- The client indicates refusal to provide a verification, or
- The time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130 (July 2016), p. 7.

Given that Petitioner immediately compiled the documents and attempted to upload the documents, it is found that she made a reasonable effort to provide to the requested information.

DECISION AND ORDER

Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing as it relates to her FIP benefits is, hereby, **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 did not act in accordance with Department policy when it denied Petitioner's February 28, 2017.

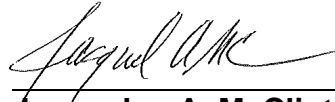
Accordingly, the Department's decision is **REVERSED**.

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. Reregister and reprocess Petitioner's February 28, 2017 application for FAP benefits;
2. Issue FAP supplements Petitioner was eligible to receive but did not as a result of the February 28, 2017 application; and

3. Notify Petitioner and her AHR in writing of its decision.

JM/hw



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]

Petitioner

[REDACTED]

Counsel for Petitioner

[REDACTED]