



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

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Date Mailed: September 20, 2017  
MAHS Docket No.: 17-008691  
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, a telephone hearing was held on August 24, 2017, from Detroit, Michigan. The Petitioner was present and 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 May 14, 2017 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 May 14, 2017.
2. On May 17, 2017, the Department sent Petitioner a Verification Checklist (VCL) requesting that she provide current checking and savings account information.
3. The required information was due on or before August 30, 2017.
4. On June 2, 2017, the Department received Petitioner's savings account information.
5. On June 23, 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 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

It should be noted that Petitioner checked the box indicating denied next to Family Independence Program (FIP) benefits. At the start of the hearing, it was determined that Petitioner filed the Request for Hearing disputing FAP benefits only and that there was no issue to resolve relating to FIP benefits. As such, the Request for Hearing relating to FIP benefits is **DISMISSED**.

### FAP

Additionally, under Department policy, verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a MDHHS representative are considered to be received the next business day. The Department is required to send 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 (April 2017), p. 7.

In this case, Petitioner applied for FAP benefits on May 14, 2017. On May 17, 2017, the Department sent Petitioner a VCL requesting savings and checking account information. The Department confirmed that it received Petitioner's savings account information on June 2, 2017 but testified that it did not receive the requested checking account information. The Department further testified that Petitioner reapplied for benefits on July 28, 2017 and provided the required documentation.

Petitioner's AHR testified that he was well aware of the needed documentation and ensured that Petitioner and her daughter had the necessary documentation. Petitioner testified that she and her daughter personally delivered all the required documentation. Petitioner's testimony is accepted as credible. Petitioner receives assistance from her daughter and ex-husband. Petitioner had specific recall that she and her daughter hand delivered the documents.

It is possible that the documents were either misplaced or not scanned into the Department's system showing receipt. As such, it is found that the Petitioner at least made a reasonable attempt to provide the necessary information. Accordingly, it is found that the Department improperly denied her application for FAP benefits.

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 May 14, 2017 application for FAP benefits.

### **DECISION AND ORDER**

the Request for Hearing relating to FIP benefits is **DISMISSED**.

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 May 14, 2017 application for FAP benefits;
2. Issue FAP supplements Petitioner may have been eligible for as a result of her May 14, 2017 application but did not receive; and
3. Notify Petitioner of its decision in writing.

JAM/tlf



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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

**Via Email:**

[REDACTED]

**Via First-Class Mail:**

[REDACTED]