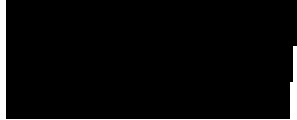




RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

SHELLY EDGERTON
DIRECTOR



Date Mailed: November 6, 2017
MAHS Docket No.: 17-013111
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 November 2, 2017, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Jeanette Bastien, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefit 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. On August 30, 2017, Petitioner submitted a redetermination for her FAP benefit case (Exhibit F).
3. On September 5, 2017, the Department sent Petitioner a Verification Checklist (VCL).
4. On September 15, 2017, Petitioner submitted one pay statement and rent receipts (Exhibit B).
5. On September 20, 2017, Petitioner submitted two additional pay statements (Exhibit C).

6. On September 20, 2017, the Department sent Petitioner a Notice of Case Action informing Petitioner that her FAP benefit case was being closed effective October 1, 2017, ongoing.
7. On October 2, 2017, Petitioner submitted a request for hearing to dispute 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.

In this case, Petitioner submitted a redetermination on August 30, 2017. In the redetermination, Petitioner indicated she was employed at [REDACTED]. Petitioner had been previously employed at [REDACTED]. On September 5, 2017, the Department sent Petitioner a VCL requesting verification of the loss of employment at [REDACTED], verification of wages for the previous 30 days at [REDACTED], and verification of Petitioner's rent. Proofs were due by September 15, 2017.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (April 2017), p. 1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. For FAP cases, the Department allows the client 10 calendar days to provide the verification that is required. BAM 130, p. 7.

The Department requested verification of Petitioner's current employment for the previous 30 days, as Petitioner indicated in the redetermination that her start date was August 6, 2017. On September 15, 2017, Petitioner submitted one pay statement. Petitioner was paid on a weekly basis. Petitioner also submitted a rent receipt, but the receipt did not have the address of Petitioner's residence, as specified in the VCL. The Department notified Petitioner the proofs were insufficient.

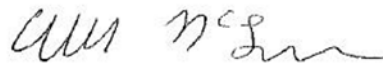
On September 20, 2017, Petitioner submitted two more pay statements for two additional weeks. Petitioner did not submit verification of the loss of employment. On September 20, 2017, the Department sent Petitioner a Notice of Case Action informing

Petitioner that her FAP benefits were being closed effective October 1, 2017, ongoing, for her failure to submit the required verification.

The VCL requested verification of wages for the previous 30 days. Petitioner only submitted pay statements for 3 weeks. Petitioner's rent receipt did not list the address of her residence, as required by the VCL. Therefore, the Department established that it acted in accordance with policy when it closed Petitioner's FAP case.

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 acted in accordance with Department policy when it closed Petitioner's FAP benefit case. Accordingly, the Department's decision is **AFFIRMED**.



EM/

Ellen McLemore

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

MDHHS-Wayne-31-Hearings

Petitioner



BSC4
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