



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

SHELLY EDGERTON
DIRECTOR



Date Mailed: November 7, 2017
MAHS Docket No.: 17-013157
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 6, 2017, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Shana Hook, Hearing Facilitator, and Pamela Herman, Hearing Facilitator.

ISSUES

1. Did the Department properly close Petitioner's Food Assistance Program (FAP) benefit case?
2. Did the Department properly deny Petitioner's application for Child Development and Care (CDC) 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. On [REDACTED] 2017, Petitioner submitted an application for FAP benefits (Exhibit A).
2. On August 22, 2017, the Department sent Petitioner a Verification Checklist (VCL) related to her FAP application (Exhibit B).

3. On August 23, 2017, the Department sent Petitioner a Notice of Case Action informing Petitioner that her expedited application for FAP benefits had been approved (Exhibit J).
4. On [REDACTED], 2017, Petitioner submitted an application for CDC benefits (Exhibit C).
5. On August 29, 2017, the Department sent Petitioner another VCL related to her FAP application (Exhibit D).
6. On September 8, 2017, Petitioner submitted verification of her income from employment and her child's social security number (Exhibit F and G). Petitioner also submitted a letter from her landlord (Exhibit H).
7. On September 15, 2017, the Department sent Petitioner a VCL related to her CDC application (Exhibit E).
8. On September 15, 2017, the Department sent Petitioner a Notice of Case Action informing her that her FAP benefit case was being closed effective October 1, 2017, ongoing, for her failure to submit verification of her address (Exhibit K).
9. On September 25, 2017, the Department sent Petitioner a Notice of Case Action informing her that her application for CDC benefits was denied for her failure to submit verification of her address (Exhibit I).

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.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers

the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

In this case, Petitioner submitted an expedited application for FAP benefits on [REDACTED], 2017. On August 22, 2017, the Department sent Petitioner a VCL requesting verification of her wages, her child's Social Security number and her address. Proofs were due September 1, 2017. On August 23, 2017, the Department sent Petitioner a Notice of Case Action informing Petitioner that her application for FAP benefits had been approved. On [REDACTED], 2017, Petitioner submitted an application for CDC benefits. On August 29, 2017, the Department sent Petitioner a VCL requesting verification of her wages related to the FAP application. Proofs were due on September 8, 2017. On September 15, 2017, the Department sent Petitioner a VCL requesting verification of Petitioner's son's Social Security and her address related to the CDC application. Proofs were due September 25, 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 and CDC cases, the Department allows the client 10 calendar days to provide the verification that is required. BAM 130, p. 7. The Department sends a negative action notice when: the client indicates a 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, p. 7.

The Department testified that Petitioner submitted verification of her employment on September 6, 2017. On September 8, 2017, Petitioner submitted verification of her son's Social Security number. Also on September 8, 2017, Petitioner submitted a letter from her landlord. However, the letter did not list the address at which Petitioner lived. The Department testified it never received any acceptable verification of Petitioner's address. Therefore, Petitioner's FAP benefit case was closed effective October 1, 2017, ongoing, in the Notice of Case Action issued on September 15, 2017, and her application for CDC benefits was denied in the Notice of Case Action issued on September 25, 2017.

Petitioner testified that after receiving the September 15, 2017 VCL, she went to a Department location on September 25, 2017 to determine why she was being asked to send verification of her address. Petitioner believed she had verified her address when she had submitted the letter from her landlord. Petitioner was informed that she needed to have her landlord complete a shelter verification form. Petitioner testified she had her landlord complete the form and sent it to the Department on September 26, 2017 (Exhibit 1).

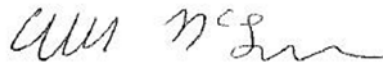
Petitioner gave credible testimony that she submitted the required verification of her address on September 26, 2017. However, the proofs were due prior to that date and Petitioner's submitted verification of her address was not timely. Petitioner also did not

submit the required proofs before the negative action date related to both her FAP and CDC benefit cases. Therefore, the Department acted in accordance with policy when it closed Petitioner's FAP benefit case and denied Petitioner's application for CDC benefits.

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 denied Petitioner's CDC application and when it closed Petitioner's FAP benefit case.

Accordingly, the Department's decisions are **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

Carisa Drake
190 East Michigan
Battle Creek MI 49016

Petitioner



BSC4
M Holden
D Sweeney
L Brewer-Walraven
E McLemore
MAHS