



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: December 5, 2017
MAHS Docket No.: 17-014284
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 December 4, 2017, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by April Nemec, Hearing Facilitator.

ISSUE

Did the Department properly allow Petitioner's Food Assistance Program (FAP) benefit case to close?

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 benefit recipient.
2. On August 2, 2017, the Department sent Petitioner a Wage Match Client Notice requesting wage information for her Living Together Partner (LTP) and group member.
3. On September 5, 2017, the Department sent Petitioner a redetermination.
4. On September 14, 2017, Petitioner submitted the Wage Match Client Notice along with pay information through August 2017 for her LTP.

5. On October 2, 2017, Petitioner submitted the completed redetermination. Along with the redetermination, Petitioner submitted pay statements from her income from employment.
6. On October 16, 2017, the Department sent Petitioner a Verification Checklist (VCL) requesting verification for her LTP's income from employment for the previous 30 days.
7. On October 18, 2017, Petitioner submitted three pay statements for her LTP's income from employment. Petitioner's LTP was paid weekly.
8. On October 26, 2017, Petitioner submitted a request for hearing.
9. Petitioner's benefit case closed effective October 31, 2017

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 Department must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (April 2017), p. 1. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210, p. 1. A complete redetermination/renewal is required at least every 12 months. BAM 210, p. 1. For FAP cases, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 1. If a client does not begin the redetermination process, the benefit period will be allowed to expire. BAM 210, p. 1.

In this case, the Department received a Wage Match regarding Petitioner's LTP. On August 2, 2017, the Department sent Petitioner a Wage Match Client Notice. The form was due to be returned on September 1, 2017. Petitioner did not return the completed form prior to September 1, 2017. The Department did not close Petitioner's FAP case for her failure to return the Wage Match Client Notice, as a redetermination was pending.

On September 5, 2017, the Department sent Petitioner a redetermination. The redetermination was due October 2, 2017. During the redetermination process, Petitioner submitted the completed Wage Match Client Notice on September 14, 2017. Along with the Wage Match Client Notice, Petitioner submitted verification of her LTP's wages through August 2017. On October 2, 2017, Petitioner submitted the completed redetermination. Along with the redetermination, Petitioner submitted verification of her wages from her income from employment.

Petitioner did not submit verification of her LTP's wages from September 2017 with the redetermination. As a result, the Department sent Petitioner a VCL on October 16, 2017, requesting verification of her LTP's wages for the previous 30 days. Proofs were due by October 26, 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 (or other time limit specified in policy) to provide the verification that is required. BAM 130 (April 2017), p. 7.

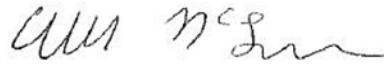
On October 18, 2017, Petitioner submitted three pay statements from her LTP's income from employment. However, Petitioner's LTP was paid on a weekly basis. As Petitioner did not submit verification of her LTP's income for the entire 30-day period, the Department considered the documents submitted to be insufficient to verify Petitioner's LTP's wages. The Department testified that because Petitioner did not complete the redetermination process, her benefits were not renewed, and her FAP benefit case expired as of October 31, 2017.

Petitioner testified she was aware that she was required to submit verification of her LTP's wages for the previous 30 days. Petitioner stated she only had three pay statements in her possession for her LTP. Petitioner testified that she asked an individual that worked at the Department's submission desk if that would be acceptable, and she was told it was sufficient proof of her LTP's wages. Petitioner did not receive confirmation from her worker that it was sufficient proof, nor did Petitioner attempt to retrieve the additional pay statement from her LTP's employer.

For FAP cases, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 1. The Department provided sufficient evidence that Petitioner did not complete the redetermination process. Therefore, the Department acted in accordance with policy when it did not renew Petitioner's FAP benefit period and allowed her FAP benefit case to close effective October 31, 2017.

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 allowed Petitioner's FAP benefit case to close effective October 31, 2017. 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.

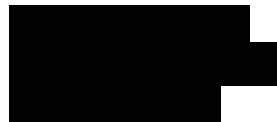
If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

MDHHS-Genesee-UnionSt-Hearings

Petitioner



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