



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: January 17, 2018  
MAHS Docket No.: 17-015145  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Denise McNulty**

**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 20, 2017, from Detroit, Michigan. The Petitioner represented herself with the assistance of her adult daughter, [REDACTED] as interpreter. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

**ISSUE**

Did the Department properly close Petitioner's 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 was an ongoing recipient of FAP benefits for a group size of seven.
2. A group member, a daughter, began new employment in August 2017. [Exhibit A, p. 6.]
3. On September 11, 2017, the Department sent Petitioner a New Hire Client Notice, requesting information for the newly employed group member with a due date of September 21, 2017. [Exhibit A, pp. 4-5.] Petitioner did not submit the requested form and information to the Department.

4. On October 12, 2017, the Department sent Petitioner a Notice of Case Action notifying Petitioner that the FAP benefits case would close effective November 1, 2017-ongoing due to the failure to verify or to allow the Department to verify information. [Exhibit A, pp. 15-16.]
5. On October 20, 2017, the group member-daughter submits paycheck stubs for the time period of September 11, 2017, to October 8, 2017. The address on the paycheck stubs is the same address as Petitioner's household. [Exhibit A, pp. 7-9.]
6. On November 7, 2017, Petitioner submitted an application for FAP benefits and did not list the newly employed daughter as part of the household. [Exhibit A, pp. 10-11.]
7. On November 8, 2017, the Department sent Petitioner a Notice of Case Action notifying Petitioner that benefits were approved for November 2017 and closed as of December 1, 2017, for failing to verify or to allow the Department to verify information. [Exhibit A, pp. 13-14.] The Department had not received the New Hire Client Notice regarding the group member-daughter. Subsequent to the mailing of the Notice of Case Action the group member-daughter, in question, was been removed from the FAP group.
8. On November 16, 2017, the Department received Petitioner's request for hearing disputing the decrease in FAP benefits.

### **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 requested a hearing to dispute the closure of the FAP case. The Department routinely matches recipient data with other agencies through automated computer data exchanges. The State New Hires Match is a daily data exchange of information collected by the Michigan New Hire Operations Center. State New Hires information is used to determine current income sources for active Department clients. BAM 807, (April 2017), p. 1. Petitioner's household consisted of seven family members. A group member-daughter became employed in August 2017. [Exhibit A, p. 6.] In

September 2017, the Department sent Petitioner a New Hire Client Notice with a due date of September 21, 2017. [Exhibit A, pp. 4-5.] Petitioner did not return the completed form. A Notice of Case Action was mailed to Petitioner on October 12, 2017, indicating the case would be closed effective November 1, 2017; due to failure to provide the requested verification. [Exhibit A, pp. 23-24.] BAM 807, p. 1; provides that the Department is to immediately contact the client when the employment has not previously been reported.

If verifications are not returned by the 10th day, case action will need to be initiated to close the case in Bridges. If the client reappplies, the date the client reappplies determines if State New Hires verification must be returned before processing the new application. BAM 807, p. 2. In the present case, Petitioner did reapply for FAP benefits. On November 7, 2017, Petitioner submitted an application for expedited benefits. [Exhibit A, pp. 10-11.] The Department followed policy and approved the expedited benefits. BAM 117 (July 2014), p. 2; [See also, Exhibit A, pp. 13-14.]

Because Petitioner applied for assistance within 30 days after case closure was initiated the State New Hires verification was required before further processing of the FAP application. Petitioner's case, per policy, could be opened from the date of the application after verifications were provided. BAM 807, p. 2. Therefore, it is found that the Department followed policy when it closed Petitioner's benefits when the State New Hires verification was not received.

### **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 benefits with an effective date of December 1, 2017.

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



DM/jaf

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**Denise McNulty**  
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]

[REDACTED]

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