



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: January 12, 2018
MAHS Docket No.: 17-015714
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 January 8, 2018 from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payment Worker.

ISSUE

Did the Department properly deny Petitioner's 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. On October 10, 2017, Petitioner submitted an online application for FAP benefits.
2. On October 12, 2017, the Department mailed a Verification Checklist (VCL) to Petitioner's address listed on her application requesting proof of non-heat electrical expenses, heat expense, wages covering the last 30 days, and her residential address with a due date of October 23, 2017.
3. On November 3, 2017, the Department issued a Notice of Case Action denying Petitioner's FAP benefits for failure to provide proofs of earned income, assets, and residential address.

4. On November 15, 2017, Petitioner submitted a paystub covering the period from September 18, 2017 through October 1, 2017.
5. On December 14, 2017, Petitioner submitted a hearing request disputing the Department's denial of her FAP application.

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 is disputing the denial of her FAP benefits application. The Department denied Petitioner's application based upon Petitioner's failure to return the requested verifications. It should be noted that the Department has not provided proof that verification of assets was ever requested from Petitioner even though it is listed as a reason for her denial. However, verification of 30 days of wages and her residential address was listed on the October VCL and Petitioner failed to provide either by the due date. While Petitioner indicated she did not receive the VCL, the document was mailed to Petitioner's address provided on her application using central print, a State of Michigan automated printing feature in Lansing, Michigan.

The proper mailing and addressing of a letter creates a presumption of receipt which may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 688 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976); *Long-Bell Lumber Co v Nynam*, 145 Mich 477 (1906). In this case, Department provided sufficient evidence to show that it sent the VCL to Petitioner's proper address. Petitioner has not provided any evidence to show that there were other problems with delivery of her mail. Therefore, Petitioner failed to rebut the presumption of proper mailing and receipt of the VCL.

Since the Petitioner failed to reply to the VCL or provide all of the requested proofs, the Department was unable to complete a determination of eligibility for benefits. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (April 2017), p. 1. Verifications are considered timely if received by the date they are due. BAM 130 (April 2017), p. 7. Since Petitioner did not provide the requested information by the due date, the

Department properly denied Petitioner's application for FAP benefits in accordance with policy. BAM 130, p. 7.

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 application for benefits.

DECISION AND ORDER

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



AM/kl

Amanda M. T. Marler
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



Petitioner via USPS

