



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 2, 2018
MAHS Docket No.: 18-000946
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 February 28, 2018, from Detroit, Michigan. The Petitioner was represented by [REDACTED] Petitioner's Authorized Hearing Representative. The Petitioner appeared as a witness. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Supervisor and [REDACTED], Assistance Payments Worker.

ISSUE

Did the Department properly deny the Petitioner's Food Assistance (FAP) application?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner applied for FAP benefits on September 29, 2017.
2. The Department issued a Verification Checklist (VCL) on October 2, 2017 with a due date October 12, 2017. Exhibit A
3. The Petitioner did not return any of the verifications as he was unable to obtain them in time.
4. The Department issued a Notice of Case Action on October 27, 2017 denying the Petitioner's application for failure to provide the requested verifications.

5. The Petitioner requested a timely hearing on January 19, 2018 protesting the denial of his Food Assistance 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, the Department denied the Petitioner's FAP application dated September 29, 2017 when Petitioner failed to return his verifications by the October 12, 2017 due date. Exhibit A. The Department issued a Notice of Case Action on October 27, 2017 effective September 29, 2017 denying the FAP application for failure to verify information. As explained at the hearing, the Department correctly denied the application because it is required to verify the information requested prior to approving an application for FAP benefits. Department policy found in BAM 130 provides:

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification that is requested.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a MDHHS representative are considered to be received the next business day.

Send a negative action notice when:

- The client indicates 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 (April 2017), p. 7.

In this case the Department clearly denied the application correctly as the due date for return of the verifications had expired and none of the information was provided.

Although the Petitioner was going through a separation from his wife, nonetheless he was required to verify information irrespective of any personal situation.

The Petitioner correctly expressed concern regarding the Department's current approval of his FAP benefits pursuant to a subsequent application. The Petitioner's concern was due to the Department's approval without receiving any of the verifications previously requested with the prior application. The Department did not address this issue at the hearing as the Hearing Request filed by Petitioner was regarding the denial of FAP, not irregularities experienced with the Department's actions processing and approving the subsequent application. The issue raised by Petitioner regarding what he considered an irregular approval was raised in the context of why his first application was denied when he failed to verify information but his second application was approved. As explained at the hearing, the Department was required to deny the Petitioner's FAP application as no verifications were provided. The Petitioner was advised to file the verifications that he brought to the hearing with the Department, and sign the front desk book and list what he filed. The Petitioner may also want to discuss the matter with his current caseworker or a manager.

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 the Petitioner's FAP application for failure to provide verification.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.

LF/tm



Lynn M. Ferris

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

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