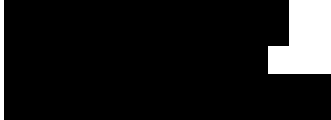




RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: March 8, 2018
MAHS Docket No.: 18-000980
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 March 1, 2018, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Specialist and [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly deny Petitioner's November 20, 2017 application for Food Assistance Program (FAP) and 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 November 20, 2017, Petitioner applied for FAP and CDC benefits.
2. On November 21, 2017, the Department sent Petitioner a Verification Checklist (VCL) which requested that Petitioner verify her prepaid debit card balance, vehicle value, checking account balance, vehicle ownership and her earnings.
3. The requested proofs were due on or before December 1, 2017.
4. The Department received all requested proofs except the balance on Petitioner's prepaid debit card.

5. On December 6, 2017, the Department denied Petitioner's application for FAP benefits due to her failure to verify requested information.
6. On December 13, 2017, the Department denied Petitioner's application for CDC benefits because she exceeded the gross income limit.
7. On January 23, 2018, Petitioner filed a Request for Hearing disputing the Department's actions.

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 applied for FAP and CDC benefits on November 20, 2017. The Department testified that it denied Petitioner's application for FAP for a failure to verify the balance on a prepaid debit card and denied Petitioner's application for CDC benefits because she exceeded the gross income limit.

FAP

Additionally, verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM 130 (April 2017), p. 1. On November 21, 2017, the Department sent Petitioner a VCL requesting that she verify her income, vehicle value, checking account information, need for CDC benefits, and the balance on her prepaid debit card. The Department indicated that it received all the requested proofs except the balance amount on the prepaid debit card in which her child support payments are loaded.

Petitioner acknowledged receipt of the VCL. Petitioner testified that she has two debit cards. Petitioner stated that she primarily uses the debit card associated with her checking account and as such, only provided balance information for that debit card. Petitioner confirmed that her child support payments are loaded on a prepaid debit card. The Department is required to verify all assets when determining a client's eligibility for FAP benefits. Because Petitioner acknowledged receipt of the VCL and further acknowledged that she made no attempts to verify the balance on the prepaid debit card containing her child support payments, it is found that the Department properly denied Petitioner's application for FAP benefits.

CDC

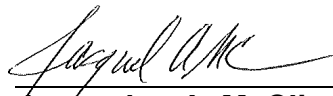
At the time Petitioner applied for CDC benefits she had two sources of employment. Petitioner's earnings for the relevant period totaled [REDACTED]. Petitioner also received child support in the amount of [REDACTED] during the relevant period. As such, Petitioner's total countable income was [REDACTED]. The gross income limit for a group size of three is [REDACTED]. RFT 270 (October 2017), p. 2. Therefore, the Department properly denied Petitioner's application for CDC benefits due to excess income.

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 November 20, 2017 application for FAP and CDC benefits.

DECISION AND ORDER

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

JAM/tlf



Jacquelyn A. McClinton
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 First-Class Mail:

