



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 27, 2018
MAHS Docket No.: 18-001980
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 March 26, 2018, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

ISSUE

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

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 December 27, 2018, Petitioner submitted an application for State Emergency Relief (SER).
2. On January 4, 2018, Petitioner completed a FAP Redetermination Interview.
3. On January 9, 2018, the Department received an Asset Detection Notice listing three accounts for Petitioner.
4. On January 11, 2018, the Department issued a Verification Checklist (VCL) seeking proof of her checking and savings accounts due back by January 22, 2018.

5. On January 26, 2018, the Department issued a Notice of Case Action informing Petitioner of the closure of her FAP case effective February 2018 based upon her failure to return proofs of her checking and savings accounts.
6. On February 5, 2018, Petitioner submitted proof of two of her three bank accounts.
7. On February 12, 2018, Petitioner submitted her hearing request disputing the closure of her FAP case.

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's FAP case was closed effective January 26, 2018, for failure to provide requested verifications for all three of Petitioner's bank accounts. Verifications are due at application or redetermination and if a change is reported affecting eligibility or a benefit level. BAM 130 (April 2017), p. 1. The Department is required to tell the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. The client must obtain the required verifications, but the local office must assist if they need and request help. *Id.* Negative action notices are sent when the client indicates a refusal to provide the verifications or when the time period given has elapsed and the client has not made a reasonable effort to provide the verifications. BAM 130, p. 7.

At the time that the documents were requested from Petitioner, she was in the middle of her Redetermination process. Therefore, the request by the Department to verify her assets within her bank accounts was proper. In addition, the Department properly provided Petitioner with 10 days to return the requested proofs. Petitioner testified that she had returned two of the three bank account statements on January 5, 2018, to the Department, and that the document was double-sided. However, one of the account statements failed to list the account number. Petitioner requested a stamped copy for herself but was refused her own copy by the front desk attendant. Petitioner also testified that another account statement was provided for a third account on January 26, 2018. On the same day, she spoke with a Department supervisor who confirmed receipt of information regarding a closed bank account and explained that two-sided

documents often result in missing documentation because of scanning procedures. Petitioner resubmitted the document that was two-sided on February 12, 2018, to the Department.

After reviewing all of the evidence, Petitioner admitted that she did not provide proof of one of her bank accounts until after the due date. When a client fails to provide requested documentation by the due date, negative action notices are sent and cases are closed. BAM 130, p. 7.

DECISION AND ORDER

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



AM/

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

DHHS

[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
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