



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: April 26, 2018
MAHS Docket No.: 18-003042
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 4/24/18, from [REDACTED] Michigan. The Petitioner appeared and testified. The Department of Health and Human Services (Department) was represented by [REDACTED] ES Worker.

ISSUE

Did the Department properly close Petitioner's FAP and properly deny Petitioner's Child Day Care (CDC) 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. At all relevant times, Petitioner was a FAP recipient with the Department.
2. On 1/2/18 the Respondent issued a semi-annual contact report to Petitioner. Unrefuted evidence is that Petitioner failed to return the report and on 2/10/18 the Department issued a Notice of Potential Closure effective 2/28/18.
3. Petitioner contacted the Department stating that she did not receive the report. The Department informed Petitioner that she could complete it on line, and if she did, her case would not close. Unrefuted evidence is that Petitioner did not complete the form on line. On 2/28/18 Petitioner's FAP case closed.
4. Petitioner reapplied, and her benefits reopened 3/10/18. Petitioner was without FAP benefits from 3/1/18 through 3/9/18.

5. On 2/14/18 Petitioner applied for CDC and submitted paystubs for the prior 30 days showing earned income totaling \$ [REDACTED] applied to a CDC budget for a 2-week benefit period of 2/4/18-2/17/18. Ex A.47.
6. The CDC income eligibility limit is \$ [REDACTED] for the budget for a family of 4.
7. On 3/9/18 the Department denied Petitioner's CDC application due to being over the income limit.
8. On 3/19/18 Petitioner filed a hearing request.

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, specific policy applicable to the case herein is found at BAM 205, 210, 220 and BEM 205, 525, 703, and 706.

Petitioner has the burden of proof to establish eligibility by a preponderance of evidence standard.

First, regarding Petitioner's FAP closure for the closed ended period time, unrefuted evidence is that Petitioner failed to return or complete on-line the annual contact information issued by the Department. The State of Michigan is under strong federal mandates to ensure that a beneficiary's file contain all required verifications to support eligibility for all welfare programs. Failure to obtain required verifications can subject the State of Michigan to significant financial penalties.

A review of the record herein shows that the Department correctly followed its policy in requesting required verifications for Petitioner to be a beneficiary of the FAP program. Petitioner offered no evidence that would entitle her to receive benefits absent the necessary and required verifications. Unrefuted evidence of record is that Petitioner never returned the annual contact form. Based on these facts of record, Petitioner did not meet her burden to establish eligibility and thus, the Department's closure must be upheld.

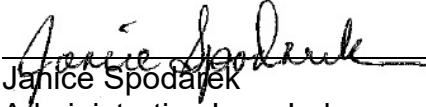
Regarding Petitioner's CDC application, again, the Department has no authority to issue benefits where individuals do not meet Department income eligibility guidelines. Here Petitioner offered no evidence to indicate that she is entitled to such benefits when she does not meet the income requirements. Thus, Petitioner did not meet her burden of proof and the denial is upheld, based on these facts.

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, and, denied Petitioner's CDC application.

DECISION AND ORDER

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

JS/nr



Janice Spodarek
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]