



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: May 11, 2018
MAHS Docket No.: 18-003702
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Landis Lain

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, telephone hearing was held on May 9, 2018, from Lansing, Michigan. Petitioner was represented by Petitioner [REDACTED]. The Department of Health and Human Services (Department or Respondent) was represented by [REDACTED], Hearings Facilitator.

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 [REDACTED], Petitioner applied for Food Assistance Program benefits.
2. On [REDACTED], the application was processed, and a verification checklist letter was sent to Petitioner with requested proofs being due by [REDACTED]. (Respondent's Exhibit 1)
3. On [REDACTED], when bank account information was missing from the requested proofs, a notice of case action letter was sent to Petitioner informing her of the denial of the request for food assistance program benefits due to failure to provide proof of savings and checking accounts.

4. On [REDACTED] and [REDACTED], Petitioner left a voicemail message for the specialist regarding the denial of the food assistance program benefits, stating that she submitted the proof for the savings and checking accounts.
5. On [REDACTED], the specialist returned the phone call and left a voice mail. The message from the specialist informed Petitioner that proofs had not been received. The specialist also informed Petitioner that as stated in the notice of case action letter, if the missing proofs were received within 60 days of the application date, the request for food assistance program benefits would be reprocessed accordingly.
6. Petitioner never resubmitted the missing proofs.
7. On [REDACTED], the Department received a request for hearing contesting the negative action.
8. On [REDACTED] the Michigan Administrative Hearing System received the hearing summary and attached exhibits in support of the Department's case.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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.

Pertinent Department policy indicates:

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Obtain verification when:

- Required by policy. Bridges Eligibility Manual (BEM) items specify which factors and under what circumstances verification is required.
- Required as a local office option. The requirement must be applied the same for every client. Local requirements may not be imposed for Medicaid Assistance (MA).
- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. Bridges Administrative Manual (BAM) 130, page 1

Tell the client what verification is required, how to obtain it, and the due date; see Timeliness of Verifications in this item. Use the DHS-3503, Verification Checklist (VCL), to request verification. (BAM 130, page 3)

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, page 7)

Note: For FAP only, if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, assist the client with the verifications but do not grant an extension. Explain to the client they will not be given an extension and their case will be denied once the VCL due date is passed. Also, explain their eligibility will be determined based on their compliance date if they return required verifications. Reregister the application if the client complies within 60 days of the application date; see BAM 115, Subsequent Processing. (BAM 130, page 7)

In this case, the Notice of Case Action which was sent to Petitioner clearly spells out what information was missing in Petitioner's electronic application file. On page 2, the Notice of Case Action clearly states that if Petitioner provided verification within 30 days of her application date, eligibility would be determined from the date she applied. If she provided verification after 30 days or prior to 60 days after the application date, eligibility would be determined from the date she provided her verifications. If Petitioner provided verifications after 60 day she must reapply for benefits.

Petitioner did concede on the record that she received the notice of case action but did not read page two. Petitioner testified that she contacted the Department via telephone and left a voicemail message but did not receive a return voicemail message. Though Petitioner testified on the record that she does have proof that she got the information from the bank and does have a receipt that her information was received by the electronic casefile, once she received the information from the Department that bank statements were missing, she had ample opportunity to provide a second copy. Petitioner did not do so.

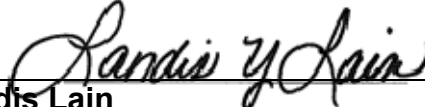
In this case, this Administrative Law Judge determines that Petitioner did receive proper notice that her application packet was not complete. Petitioner did receive notice that she needed to provide verification of bank account savings, and bank account checking information. Bank account information was not provided to the Department in a timely manner. Petitioner did not bring the bank account information to the department. The Department has established its case by a preponderance of the evidence.

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 has established by the necessary competent, material and substantial evidence on the record that it acted in accordance with Department policy when it determined that Petitioner did not provide verification of bank account statements which are required for Food Assistance Program benefit determination.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**. It is so **ORDERED**.

LL/hb



Landis Lain
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) 763-0155; 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]