



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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██████████, MI ██████████

Date Mailed: May 23, 2018
MAHS Docket No.: 18-003816
Agency No.: ██████████
Petitioner: ██████████

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 May 21, 2018, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Diane Brown, Eligibility Specialist.

ISSUE

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

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 February 8, 2018, the Department received Petitioner's application for FAP benefits.
2. On February 14, 2018, the Department issued a Verification Checklist (VCL) requesting proof of home rent, missing check stubs for ██████████ (Petitioner's daughter), checking account, and residential address by February 26, 2018.
3. In addition to the VCL, the Department also mailed a Verification of Assets for the ██████████ Bank Account ending in 0250, a Shelter Verification form, and a Verification of Employment from ██████████ ██████████ (Petitioner's daughter's employer) (Employer) on the same day.

4. On March 9, 2018, the Department received a transfer history for the checking account ending in 0250, but the statement did not present any information about transactions on the last day of the month, simply transfers between accounts between February 23, 2018, and March 9, 2018.
5. On the same day, the Department also received a Payout Activity from January 17, 2018, through January 23, 2018, but the history does not list who the employer is or who the money was paid to; after printing the activity, someone hand wrote that the employer was [REDACTED]
6. After receiving and reviewing Petitioner's documents, the Department issued a Notice of Case Action denying Petitioner's Application for FAP benefits based upon her failure to return requested bank account information and residential address.
7. On April 6, 2018, the Department received a letter from Petitioner indicating she had requested paystubs from Employer, but had not yet received them; a letter from [REDACTED] regarding Petitioner's employment and payment amounts; and a Community Residential Portal showing payments for rent but which does not list Petitioner's name or address anywhere on the sheet (it would appear that Petitioner or someone with Petitioner's last name has an email address listed).
8. Finally, on the same day, the Department received Petitioner's request for hearing disputing the denial of FAP benefits.

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.

First and foremost, at the hearing Petitioner wanted to dispute the closure of her FAP benefits from the fall of 2017. No evidence was presented of the actual date of fall 2017 FAP closure, but Petitioner filed her hearing request on April 6, 2018. A client has 90 days from the date of the written notice of case action or negative action to request a hearing. BAM 600 (January 2018), p. 6. The computation of time begins on the day after the act, event, or action occurs. Therefore, Petitioner's hearing request covers the

period from January 6, 2018, through April 6, 2018. Anything occurring before January 6, 2018, is outside of the jurisdiction of the administrative hearing and will not be addressed by this decision. Since Petitioner testified that her FAP case was closed in the fall of 2017, this closure cannot be addressed by this decision. The March 9, 2018, Notice of Case Action denying Petitioner's FAP benefits is discussed below.

In this case, Petitioner's Application for FAP benefits was denied based upon the Petitioner's failure to timely provide requested information to the Department. 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 the Application process. Therefore, the request by the Department to verify each item was proper. In addition, the Department properly provided Petitioner with at least 10 days to return the requested proofs. BAM 130, p. 7. In this case, Petitioner did not provide any of the requested proofs by the due date. Even when consideration is given to the documents provided on March 9, 2018, 11 days late, the information provided to the Department was incomplete because crucial information could not be verified such as Petitioner's name, address, account balance at the end of the month, and other information. BEM 400 (January 2018), p. 59; BEM 500 (July 2017), p. 15; BEM 554 (August 2017), pp. 14-15. 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 application for FAP benefits.

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) 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

Lori Duda
MDHHS-Oakland-2-Hearings

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

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MAHS