



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR



Date Mailed: May 18, 2018
MAHS Docket No.: 18-003326
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 15, 2018, from Lansing, Michigan. Petitioner personally appeared and testified. Petitioner submitted seven exhibits which were admitted into evidence.

The Department of Health and Human Services (Department) was represented by Hearing Facilitator [REDACTED]. [REDACTED] testified on behalf of the Department. The Department submitted 43 exhibits which were admitted into evidence.

ISSUE

Did the Department properly deny Petitioner's Food Assistance Program (FAP) redetermination for failure to submit proof of income?

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 or about [REDACTED], Petitioner submitted a FAP redetermination. [Dept. Exh. A].
2. On [REDACTED], the Department mailed Petitioner a Verification Checklist requesting proof of Dependent Care Expense and Missing Check Stubs from her employer. [Dept. Exh. B].

3. On [REDACTED], the Department mailed Petitioner a Notice of Case Action indicating that Petitioner failed to provide proof of income. The Notice indicated that Petitioner would receive \$ [REDACTED] a month from [REDACTED] through [REDACTED]; \$ [REDACTED] a month from [REDACTED] through [REDACTED]; and that her FAP benefits would close from [REDACTED] ongoing. [Dept. Exh. C].
4. On [REDACTED], Petitioner applied for FAP benefits. [Dept. Exh. D].
5. On [REDACTED] the Department mailed Petitioner an Appointment Notice for [REDACTED], at [REDACTED] [Dept. Exh. E].
6. On [REDACTED], the Department mailed Petitioner a Verification Checklist requesting verification of a land contract, missing check stubs, non-heat expense and heat expense, due [REDACTED]. [Dept. Exh. F].
7. On [REDACTED], the Department mailed Petitioner a Notice of Missed Interview, notifying Petitioner that she missed her scheduled interview regarding her FAP application and it was now her responsibility to reschedule the interview before [REDACTED]. [Dept. Exh. H].
8. On [REDACTED], the Department mailed Petitioner a Notice of Case Action notifying her that her FAP application was denied from [REDACTED] ongoing, because she failed to return the requested check stubs. [Dept. Exh. I].
9. On [REDACTED], Petitioner submitted a request for hearing. [Dept. Exh. J, pp 2-3].
10. On [REDACTED], Petitioner submitted her Verification of Employment. [Petitioner Exh. 1-2].

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 indicated she had called her worker in March 2018, requesting more time to obtain the missing pay stubs. Petitioner testified that her worker never

called her back. As of the date of the hearing, Petitioner had still not turned in her missing pay stubs requested on [REDACTED].

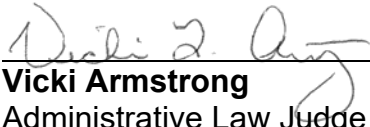
During Hearing Facilitator [REDACTED] testimony, Petitioner stated that everything [REDACTED] was saying was a lie. Petitioner also indicated during the hearing that there was a conspiracy regarding her employment pay stubs, because she had not been given enough time. [REDACTED] explained that the Department still needed the paystubs originally requested on [REDACTED], regarding Petitioner's December 2017 redetermination.

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 FAP application for failing to return her requested pay stubs.

DECISION AND ORDER

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

VLA/hb



Vicki Armstrong
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

Richard Latimore
4733 Conner
Detroit, MI 48215

Wayne County (District 57), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

