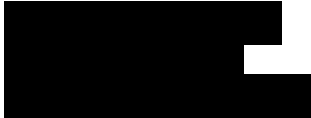




RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: June 1, 2018
MAHS Docket No.: 18-004265
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Eric J. Feldman

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 29, 2018, from Lansing, Michigan. Petitioner represented herself for the hearing. The Department of Health and Human Services (Department) was represented by Sheila Crittenden, Family Independence Manager.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits effective April 1, 2018?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner is an ongoing recipient of FAP benefits.
2. On January 25, 2018, the Department sent Petitioner a New Hire Client Notice (new hire), which requested the new hire employment report section to be completed by February 5, 2018. The new hire informed Petitioner that failure to provide this information by the due date will result in the cancellation of her public assistance benefits. [Exhibit A, pp. 4-5.]
3. Petitioner failed to submit the new hire by February 5, 2018. [Exhibit A, p. 1.]
4. On March 7, 2018, the Department sent Petitioner a Notice of Case Action notifying her that her FAP benefits would close effective April 1, 2018, due to her failure to submit the new hire. [Exhibit A, pp. 7-10.]

5. On March 13, 2018, Petitioner filed a hearing request, protesting the Department's action. [Exhibit A, pp. 2-3.]

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (January 2018), p. 9. This includes completion of necessary forms. BAM 105, p. 9.

The Michigan Department of Health and Human Services (DHHS) routinely matches recipient data with other agencies through automated computer data exchanges. BAM 807 (January 2018), p. 1. Information provided with MDHHS applications (DHS-1010, -1171, -4574, -4574-B, MDE-4583 and DCH-1426) inform clients of the data exchange process. BAM 807, p. 1.

The State New Hires Match is a daily data exchange of information collected by the Michigan New Hire Operations Center and obtained through the Office of Child Support. BAM 807, p. 1. State New Hires information is used to determine current income sources for active MDHHS clients. BAM 807, p. 1.

The State New Hire database is established from W-4 tax records (or other new hire reporting formats) submitted by employers to the Michigan New Hire Operations Center. BAM 807, p. 1. BAM 807, p. 1. Michigan employers are required to report all new employees within 20 days of the date of hire. BAM 807, p. 1. The State New Hires process matches the Social Security number (SSN) for all active recipients to the database. BAM 807, p. 1. If a SSN match is found on Bridges and the State New Hires database, a State New Hires match is created if there is no earned income reflected in Bridges. BAM 807, p. 1. Specialists receive one task and reminder listing all the matches for the previous week each Monday. BAM 807, p. 1. The task and reminder are removed when all matches have been disposed. BAM 807, p. 1.

It is a best practice to resolve information obtained from a State New Hires report within 21 calendar days from the date the match is reported to the specialist. BAM 807, p. 1.

Contact the client immediately if the employment has not been previously reported. BAM 807, p. 1. Request verification by generating a DHS-4635, New Hire Notice, from Bridges. BAM 807, p. 1.

When a DHS-4635 is requested, Bridges automatically gives the client 10 calendar days to provide verification from the date the forms were requested. BAM 807, p. 2.

When income verification is returned, make the appropriate changes in Bridges, then run eligibility determination benefit calculation (EDBC) to reduce or close the benefits. BAM 807, p. 2.

If verifications are not returned by the tenth day, case action will need to be initiated to close the case in Bridges. BAM 807, p. 2. If the client reapplies, the date the client reapplies determines if State New Hires verification must be returned before processing the new application; see examples in BAM 807. BAM 807, p. 2.

In this case, Petitioner is an ongoing recipient of FAP benefits. On January 25, 2018, the Department sent Petitioner a new hire, which requested the new hire employment report section to be completed by February 5, 2018. [Exhibit A, pp. 4-5.] The new hire informed Petitioner that failure to provide this information by the due date will result in the cancellation of her public assistance benefits. [Exhibit A, pp. 4-5.] The Department testified that Petitioner failed to submit the new hire by February 5, 2018. [Exhibit A, p. 1.] As a result, the Department closed Petitioner's FAP benefits effective April 1, 2018, due to her failure to submit the new hire. [Exhibit A, pp. 7-10.]

Additionally, the Department testified that she spoke to Petitioner's employer on or about late April 2018. [Exhibit A, p. 11.] The Department testified the employer stated they gave the new hire back to Petitioner because she had left her employment. The Department testified the employer stated Petitioner was hired on December 21, 2018, her termination date was December 31, 2018, and she received two pay checks. The Department testified that Petitioner indicated she never received the new hire from the employer.

In response, Petitioner testified she only worked one-day with the employer, which was for training purposes. She testified she did not even have a work verification form to give to the employer. She testified she provided the new hire to the employer, who stated he would complete it and fax it to the Department, and the employer also made improper comments about Petitioner being on public benefits. She testified she completed the part on of the new hire form indicating she only worked one day.

Based on the foregoing information and evidence, the Department properly closed the FAP benefits effective April 1, 2018, in accordance with Department policy. Here, Petitioner claimed that she provided the new hire to the employer, who stated he would complete it and fax it to the Department. However, the undersigned Administrative Law Judge (ALJ) did not find Petitioner's argument persuasive. Instead, the Department provided credible testimony and evidence showing that it never received the new hire


before the due date of February 5, 2018. [Exhibit A, p. 4.] Ultimately, it is Petitioner's responsibility to complete the necessary forms to determine her ongoing eligibility for her FAP benefits. See BAM 105, p. 9. And because Petitioner failed to submit the new hire by the due date, the Department acted in accordance with Department policy when it closed Petitioner's FAP benefits effective April 1, 2018. BAM 105, p. 9; BAM 807, pp. 1-2. Petitioner can reapply for FAP benefits.

DECISION AND ORDER

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 effective April 1, 2018.

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

EF/nr



Eric J. Feldman
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

Sheila Crittenden
10641 W. Watergate Rd.
Cadillac, MI
49601

Wexford County DHHS- via electronic mail

BSC1- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

