



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: June 4, 2018  
MAHS Docket No.: 18-004391  
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, a telephone hearing was held on May 31, 2018, from Lansing, Michigan. Petitioner was represented by her Authorized Hearings Representative and mother, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED] Assistance Payments Worker; and [REDACTED], Assistance Payments Supervisor.

Respondent's Exhibits I-IX were admitted as evidence.

**ISSUE**

Did the Department properly cancel Petitioner's 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. Petitioner has been a Food Assistance Program benefit recipient since [REDACTED] (Respondent's Exhibit I).

2. The notice instructed Petitioner to complete a DHS-1010 and return copies of all required proofs.
3. On [REDACTED], Petitioner returned the DHS-1010 with no proofs attached. (Respondent's Exhibit II/Exhibit III)
4. On [REDACTED], a DHS-3503 Verification Checklist was sent to Petitioner with documents due by [REDACTED].
5. Respondent attempted to contact Petitioner via telephone for an interview, but Petitioner did not answer. Respondent's Representative left a voicemail message. (Respondent's Exhibit IV)
6. Petitioner's DHS-1010 was processed pending an interview and verifications requested on the [REDACTED] DHS-3503 Verification Checklist and due by [REDACTED].
7. On [REDACTED], Petitioner provided verification of assets and pay stub from [REDACTED].
8. On [REDACTED], Petitioner provided what appears to be a screen shot of the MIBridges page as verification of employment.
9. On [REDACTED], Petitioner was sent a notice of case action notifying her that effective [REDACTED], her food assistance will be closed for failure to provide verification of self-employment.
10. On [REDACTED], Petitioner sent a note informing DHHS that she has uploaded proofs of her self-employment three times a long with self-employment verification.
11. On [REDACTED], the Department attempted to respond to Petitioner's concerns via telephone. A voicemail was left informing petitioner that the Department had never received her self-employment verification of [REDACTED] and that she must reapply and provide verification necessary for her application.
12. Eligibility to be determined on [REDACTED], and additional attempt was made to address petitioners concerns by at telephone was they identify themselves on the telephone. Petitioner hung up.
13. The department representative attempted to call Petitioner, but the phone went to voicemail.
14. On [REDACTED], the Department sent Petitioner a notice of Case Action notifying her that effective [REDACTED], her food assistance program case would be closed for failure to provide verification of self-employment.

15. On [REDACTED], Petitioner sent a note to the Department informing Respondent that she had uploaded proofs of herself implement three times a long was self-employment verification.
16. On [REDACTED], Respondent attempted to respond to Petitioner's concerns via telephone. A voicemail was left informing Petitioner that the Department never received her self-employment verification in the month of [REDACTED], that Petitioner must reapply for benefits and provide all verification necessary for the department to determine eligibility for food assistance program benefits.
17. On [REDACTED], Respondent again attempted to contact Petitioner via telephone call. Once the Department caseworker identified himself to Petitioner, she hung up the phone. The caseworker called back but the phone went directly to voicemail.
18. On [REDACTED], the Michigan Administrative Hearing System received a Request for Hearing to contest the FAP amount.

### **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 but 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's Representative did concede on the record that Petitioner received the notice of case action. The evidence on the record clearly indicates that Petitioner or her authorized hearing representative had ample opportunity to bring the documents to the local office or mail them to the local office. The fact that the Department did receive some of the verification information indicates that the upload capability of the Bridges system was working properly.

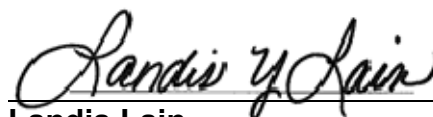
In this case, this Administrative Law Judge determines that Petitioner did receive proper notice that her FAP determination packet was not complete. Petitioner did receive notice that she needed to provide verification of self-employment information. Self-employment information was not provided to the department in a timely manner. Petitioner did not bring the self-employment 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 self-employment income, which is required for Food Assistance Program benefit determination.

### **DECISION AND ORDER**

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

LL/bb



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**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]