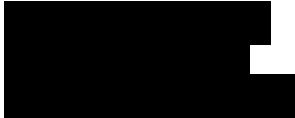




RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR



Date Mailed: June 13, 2018  
MAHS Docket No.: 18-004619  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Kevin Scully**

**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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on June 6, 2018, from Lansing, Michigan. Petitioner represented herself. The Department of Health and Human Services was represented by Rachel Hesse.

**ISSUE**

Did the Department of Health and Human Services (Department) properly denied 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 February 15, 2018, the Department received Petitioner's application for Food Assistance Program (FAP) benefits.
2. On February 20, 2018, the Department notified Petitioner that she had been approved for expedited Food Assistance Program (FAP) benefits effective February 15, 2018, through February 28, 2018, with ongoing benefits based on the receipt of required information. Exhibit A, pp 4-8.
3. On February 20, 2018, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of her countable assets. Exhibit A, pp 9-10.
4. On May 2, 2018, the Department sent Petitioner notice that she was no longer eligible for Food Assistance Program (FAP) benefits effective March 1, 2018. Exhibit A, pp 14-17.

5. On May 2, 2018, the Department received Petitioner's request for a hearing protesting the denial of her February 15, 2018, application for assistance. 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 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. The Michigan Administrative Hearing System (MAHS) may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service. Department of Human Services Bridges Administrative Manual (BAM) 600 (January 1, 2018), pp 3-4.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (January 1, 2018), p 8.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding

an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (April 1, 2017), pp 1-10.

FAP groups that did not provide all required verification will not be issued benefits for subsequent months until the FAP group provides the waived verification or completes a redetermination. Department of Health and Human Services Bridges Administrative Manual (BAM) 117 (January 1, 2018), p 5.

On February 15, 2018, Petitioner applied for FAP benefits. The Department approved Petitioner for expedited benefits pending a review of her circumstances to determine her eligibility for ongoing FAP benefits. On February 20, 2018, the Department requested that Petitioner provide verification of her countable assets, including bank accounts, by March 2, 2018. Verification of Petitioner's bank accounts was not received, and Petitioner's expedited FAP benefits closed at the end of February as directed by BAM 117.


Petitioner failed to provide timely verification of her case assets as requested by the February 20, 2018, Verification Checklist (DHS-3503). Verification of all countable cash assets is a required to make an accurate determination of FAP benefits. Although the Department failed to issue written notice that Petitioner's application for FAP benefits had been denied until May 2, 2018, Petitioner has failed to establish that she was either eligible or even potentially eligible for FAP benefits in March of 2018.

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 application for Food Assistance Program (FAP) benefits after her expedited benefits had expired.

### **DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/hb

  
\_\_\_\_\_  
**Kevin Scully**  
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**

LaClair Winbush  
17455 Grand River Ave  
Detroit, MI 48227

Wayne County (District 31), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

