



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

Date Mailed: June 25, 2018
MAHS Docket No.: 18-004947
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 June 21, 2018, from Lansing, Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Amy Turner, Assistance Payments Supervisor and Robert Brooks, Eligibility Specialist.

ISSUE

Did the Department properly determine the Petitioner's eligibility for the Food Assistance Program (FAP)?

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 was a recipient of FAP benefits.
2. On April 17, 2018, the Department Caseworker conducted a telephone interview with Petitioner for his FAP redetermination where he was informed that the Department required a current bank statement from his checking account to determine continued eligibility for FAP.
3. On April 17, 2018, the Department Caseworker sent Petitioner a Verification Checklist, DHS 3503, that was due on April 27, 2018, for Petitioner to provide

written verification of his assets of his checking account to determine continued FAP eligibility. Department Exhibit I, pgs. 1-2.

4. On April 30, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that his FAP benefits will close effective May 1, 2018. Department Exhibit I, pgs. 3-6.
5. On May 29, 2018, the Department did receive the required verification needed to determine continued FAP eligibility and did perform subsequent processing on Petitioner's FAP case to restore 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.

In this case, Petitioner failed to provide the required verification of his assets through his checking account by the due date of April 27, 2018. As a result, his FAP benefits were closed effective May 1, 2018. Petitioner did submit the required verifications by May 29, 2018, which allowed the Department to perform subsequent processing, but the first day was May 29, 2018. Petitioner lost FAP benefits from May 1, 2018, through May 28, 2018, for failure to provide required verification of assets to determine continued FAP eligibility. BEM 400. ERM 101 and 103.

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 case because he failed to provide written verification of assets by the due date to determine continued FAP eligibility.

DECISION AND ORDER

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

CF/hb



Carmen G. Fahie
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

Denise Croff
301 E. Louis Glick Hwy.
Jackson, MI
49201

Jackson County, DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

