



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

Date Mailed: June 26, 2018  
MAHS Docket No.: 18-004974  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler**

**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 Detroit, Michigan. The Petitioner was self-represented and appeared with his [REDACTED] as a witness. The Department of Health and Human Services (Department) was represented by Anthony Couls, Assistance Payments Worker and Hearing Facilitator.

**ISSUE**

Did the Department properly deny Petitioner's application for Food Assistance Program (FAP) benefits based upon a failure to provide requested verifications?

**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 April 6, 2018, Petitioner submitted a FAP application.
2. On the same day, the Department issued a Verification Checklist (VCL) requesting proof of rent and paystubs by April 16, 2018.
3. On April 30, 2018, after not receiving the requested proofs, the Department issued a Notice of Case Action denying Petitioner's application for FAP benefits based upon a failure to verify income.
4. On May 9, 2018, and May 11, 2018, Petitioner submitted proof of his income to the Department.

5. On May 11, 2018, the Department received Petitioner's request for hearing disputing the denial of FAP benefits.
6. On May 22, 2018, the Department began the process for subsequent processing of Petitioner's FAP application and income verifications as of May 11, 2018.

### **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, the Department denied Petitioner's FAP application based upon his failure to return requested verifications. VCLs are issued to inform the client of what proofs are necessary to allow the Department to process a client's eligibility for benefits at Redetermination or Application. BAM 130 (April 2017), pp. 1-3. Clients are given 10 calendar days to provide the requested verification to the Department. BAM 130, p. 7. Verifications are considered to be timely if received by the date they are due. *Id.* Negative action notices are sent when the client indicates a refusal to provide a verification or when the time period given has elapsed, and the client has not made a reasonable effort to provide the requested items. *Id.* In FAP cases during the application process, if a client returns requested proofs beyond the deadline but within 60 days of the application date, the application is reregistered for the date on which the client complied with the Department's request. BAM 130, p. 7.

In this case, Petitioner was unable to identify when he first submitted his proofs to the Department. A review of his electronic case file provided by the Department shows that the first proof received by the Department was on May 9, 2018, well after his verifications deadline, but within 60 days of his application. Therefore, the Department's initial closure of his FAP case was in accordance with Department policy as well as the Department's reopening of his application effective as of his date of compliance, May 11, 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 FAP benefits.

**DECISION AND ORDER**

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



AMTM/

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**Amanda M. T. Marler**  
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**

Jeanenne Broadnax  
MDHHS-Wayne-18-Hearings

**Petitioner**

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