



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR



Date Mailed: June 26, 2018  
MAHS Docket No.: 18-005002  
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 herself. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearing Facilitator.

### **ISSUE**

Did the Department properly determine the Petitioner's eligibility for 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. On February 26, 2018, Petitioner applied for FAP benefits for a household composition of four.
2. On February 26, 2018, the Department Caseworker sent Petitioner a Verification Checklist, DHS 3503, that was due on March 8, 2018, for the Petitioner to provide the last 30 days of check stubs and earnings statements. Department Exhibit 1, pp 7-8.
3. On March 16, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that stated that her FAP benefits were denied effective

February 26, 2018, because she failed to provide 30-day income verification by March 9, 2018, where only one 14-day paystub was received on March 9, 2018. Department Exhibit 1, pp 3-6.

4. On March 16, 2018, the Department received a hearing request from Petitioner, contesting the Department's negative action.

### **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 stated that she faxed the two check stubs to her Department Caseworker on March 9, 2018. She then called her Department Caseworker to make sure that she received the fax of the two check stubs and if the Department Caseworker was missing anything else. She asked the Department Caseworker to call her if she was missing anything or needed anything else. She called her Department Caseworker on March 12, 2018, twice to make sure that she had everything. The Department Caseworker did not call her back to tell her that she was missing a check stub. On March 19, 2018, she refaxed the two check stubs again to her Department Caseworker after receiving the denial notice. BEM 501

The Department did not submit any worker logs that she had called Petitioner to let her know that even though she faxed two check stubs that she had only received one check stub. She could have sent her a note that only one check stub had been received. Petitioner was trying to comply with the Department's verification requirements with multiple calls to the Department. In addition, she refaxed the two check stubs on March 19, 2018. There was no evidence of subsequent processing by the Department to approve her for FAP.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it failed to show that the Department Caseworker had called Petitioner back to let her know that only one check had been received even though Petitioner had left her a message saying that she had faxed two check stubs.

**DECISION AND ORDER**

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

The Department is ordered to begin doing the following, in accordance with Department policy and consistent with this hearing decision, within 10 days of the date of mailing of this decision and order of initiating an expedited redetermination of Petitioner's eligibility for FAP retroactive to her FAP application dated February 26, 2018.

Based on policy, the Department should provide Petitioner with written notification of the Department's revised eligibility determination and issue Petitioner any retroactive benefits she may be eligible to receive, if any.

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**

Latasha McKinney-Newell  
26355 Michigan Ave  
Inkster, MI 48141

Wayne County (District 19), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

