



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: July 10, 2018
MAHS Docket No.: 18-005447
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 July 9, 2018, from Detroit, Michigan. Petitioner appeared and was unrepresented. ██████████, Petitioner's son (hereinafter "Son1"), participated as an Arabic translator and testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by Shana Ward, specialist.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility.

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 an ongoing FAP benefit recipient. Petitioner's ongoing FAP benefit group included her son (hereinafter "Son2") whose date of birth is ██████████ 1994.
2. On November 8, 2017, MDHHS mailed Petitioner a New Hire Client Notice requesting employment information concerning Son2. (Exhibit A, pp. 3-4)
3. On May 10, 2018, MDHHS initiated termination of Petitioner's FAP eligibility, effective June 2018, due to Petitioner's failure to verify Son2's employment.
4. As of May 25, 2018, Petitioner failed to verify Son2's employment.
5. On May 25, 2018, Petitioner requested a hearing to dispute the termination of FAP eligibility.

CONCLUSIONS OF LAW

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a termination of FAP benefits. MDHHS presented a Notice of Case Action (Exhibit A, pp. 6-9) dated May 10, 2018. The notice informed Petitioner of a termination of FAP benefits based on Petitioner's failure to verify requested information. MDHHS testimony specified that Petitioner failed to verify Son2's employment.

MDHHS routinely matches recipient data with other agencies through automated computer data exchanges. The State New Hires Match is a daily data exchange of information collected by the Michigan New Hire Operations Center and obtained through the Office of Child Support. State New Hires information is used to determine current income sources for active MDHHS clients. BAM 807 (January 2018), p. 1.

When income is unreported, MDHHS requests verification of new hires by generating a DHS-4635 (New Hire Client Notice) from Bridges. Bridges automatically gives the client 10 calendar days to provide verification from the date of New Hire Client Notice. If verifications are not returned by the 10th day, case action will need to be initiated to close the case in Bridges. *Id.*, p. 2.

MDHHS verified that Petitioner was mailed a New Hire Client Notice on November 8, 2017. Petitioner's electronic case file through June 4, 2018, showed no record of Petitioner's returning the New Hire Client Notice (see Exhibit A, p. 5).

Son1 contended that MDHHS had no need to verify Son's employment because Son2 did not buy and prepare food with Petitioner. FAP group policy (see BEM 212) states that children who are over 22 years old are optional FAP group members to parents if the adult child does not buy and prepare food with the parent. Thus, it is plausible that Son2 (as an adult child over 22) should not have been part of Petitioner's FAP eligibility. For Son1's argument to be persuasive, Petitioner would have to establish that she reported to MDHHS that Son2 bought and prepared food separately from her. During the hearing, MDHHS was asked to locate the most recent application or Redetermination submitted by Petitioner before MDHHS terminated her FAP eligibility. In response, MDHHS located Petitioner's Redetermination from October 2017; Petitioner reported on the Redetermination that she and Son2 bought and prepared food together. Based on the evidence, MDHHS had no basis to remove Son2 from Petitioner's FAP group. Thus, MDHHS properly required verification of Son2's employment from Petitioner.

Petitioner testified that Son2's employment only lasted one month. Petitioner presented no verification of her testimony. Even if Petitioner's testimony is assumed to be true, loss of employment does not alleviate Petitioner from the responsibility of completing and returning Son1's employment.

Son1 testified that he called Petitioner's specialist several times and did not receive a return call. Considering that MDHHS waited over six months to take action on the New Hire Client Notice, Son1's testimony was credible. The testimony is ultimately not relevant because it was not tied to any failure by MDHHS concerning the basis for benefit termination.

Based on the evidence, MDHHS properly terminated Petitioner's FAP eligibility due to Petitioner's failure to submit a New Hire Client Notice to MDHHS concerning Son2's employment. Petitioner's recourse is to reapply for FAP benefits.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's FAP benefit eligibility, effective June 2018. The actions taken by MDHHS are **AFFIRMED**.

CG/



Christian Gardocki

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

Amber Gibson
MDHHS-Ingham-Hearings

Petitioner

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