



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: July 17, 2018
MAHS Docket No.: 18-005960
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, telephone hearing was held on July 11, 2018, from Lansing, Michigan. Petitioner represented by himself. The Department of Health and Human Services was represented by Holly Paniwozik and Kelly Hudson.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's 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. Petitioner was an ongoing Food Assistance Program (FAP) recipient on or around January 22, 2018, when the Department received a Change Report (DHS-2240) where Petitioner reported his fiancé had moved into his home. The Department added Petitioner's fiancé to his benefit group although she was disqualified from receiving any benefits. Exhibit A, pp 6-7.
2. On April 9, 2018, the Department sent Petitioner a New Hire Client Notice (DHS-4635) requesting verification of his fiancé's employment by April 19, 2018. Exhibit A, pp 8-9.
3. On April 24, 2018, the Department notified Petitioner that he was not eligible for Food Assistance Program (FAP) benefits as of June 1, 2018. Exhibit A, pp 10-12.

4. Petitioner was a Food Assistance Program (FAP) recipient as a group of one from January 1, 2018, through May 31, 2018. Exhibit A, p 13.
5. On June 8, 2018, the Department received Petitioner's request for a hearing protesting the closure of his Food Assistance Program (FAP) benefits. Exhibit A, pp 4-5.

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 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.

Petitioner was an ongoing FAP recipient when he reported that his fiancé was living in his home and that they purchase and prepare food together. The Department added the fiancé to Petitioner's FAP benefit group, although he continued to receive FAP benefits as a group of one because his fiancé is disqualified from FAP.

On April 9, 2018, the Department sent Petitioner a New Hire Client Notice (DHS-4635) requesting verification of his fiancé's employment by April 19, 2018. When verification of the fiancé's income was not returned in a timely manner, the Department closed Petitioner's FAP benefits.

Petitioner testified that he was told that his fiancé's employment did not matter because she was working unless she began working more than 80 hours per month.

While it may have been true that a Time Limited Food Assistance disqualified person cannot regain eligibility for FAP benefits unless they meet the criteria of BEM 620, which includes working 80 hours per month, it is not true that a lesser amount of income does not matter.

The Department budgets a pro rata share of earned and unearned income of a person who does not meet time limited requirements towards the group's eligibility for FAP benefits. Department of Health and Human Services Bridges Eligibility Manual (BEM) 550 (January 1, 2017), p 3.

Therefore, it was necessary for the Department to verify the employment and earned income of all group members to make an accurate determination of eligibility for ongoing FAP benefits. When Petitioner failed to provide this verification in a timely manner, the Department closed his FAP benefits.

Petitioner testified that he reported to the Department that his fiancé has moved out of his home. The Department denies that Petitioner has reported this change, and Petitioner failed to offer any evidence that he reported his fiancé being out of the home.

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 Food Assistance Program (FAP) benefits as of June 1, 2018.

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

Kimberly Kornoelje
121 Franklin SE
Grand Rapids, MI 49507

Kent County, DHHS

BSC3 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]