



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: July 23, 2018
MAHS Docket No.: 18-006067
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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, an administrative hearing was held on July 18, 2018, from Lansing, Michigan. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by Amersha Wood, Hearings Facilitator.

ISSUE

Did the Department properly close Petitioner's Supplemental Nutrition Assistance Program (SNAP) or 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. At all relevant times, Petitioner has been a beneficiary of the FAP program.
2. On April 4, 2018 a Redetermination report was mailed to Petitioner requesting numerous verifications to establish Petitioner's ongoing FAP eligibility. Verifications were due May 4, 2018. Ex. A.
3. On May 18, 2018 the Respondent's issued a Verification Checklist requesting verifications of Petitioner's rent, checking account, savings account, and wages for Petitioner's son for the last 30 days. Verifications were due May 29, 2018. Ex. B.
4. On May 23, 2018 Petitioner delivered rent verification; 2 of Petitioner's son's income pay stubs out of 4; and a checking account statement. Ex D; F-H.

5. On June 18, 2018 the Respondent issued a Notice of Case Action informing Petitioner that her FAP benefits will close “July 1, 2018 and continuing” due to Petitioner failing to return earned income verification for Petitioner, and for Petitioner’s son. Ex E. The hearing summary adds that Petitioner failed to deliver the savings account verification.
6. On June 18, 2018 Petitioner filed a request for a hearing.

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 all eligibility determinations, the applicant, here Petitioner, has the burden of proof by a preponderance of evidence.

The FAP program is a 70-billion-dollar program for fiscal year 2017, which attempts to supplement approximately 43-60% of a person’s dietary needs.

Specific to the case here, program policy items are found in BAM 105-830; BEM 100-800.

Federal and state law mandates that before welfare benefits are issued, the recipient’s file must contain current and accurate verifications to substantiate eligibility criteria. The State of Michigan can be subject to substantial financial penalties for failure to comply with this mandate. Included in this mandate are income verifications supporting budget calculations used in calculating FAP budgets.

Here, first this ALJ notes that the Verification Checklist does not clearly request verification of Petitioner’s earned income. The remaining verifications requested by the Respondent that were not returned include 30 days of Petitioner’s son’s earned income (only 2 weeks were returned). In addition, Petitioner did not return the savings account verification, although such was not noted on the notice of case but was noted on the hearing summary and the Respondent’s testimony at the administrative hearing.

The purview of an administrative law judge is to review the evidence of record, and to make a determination if the evidence supports the action taken by the Respondent. It is

noted moreover, that The State of Michigan is under strict federal mandates to ensure that a beneficiary's file contain all required verifications to support eligibility for all welfare programs.

Here, the Respondent generally followed its policy and procedure in requesting verification(s). Petitioner argues that her worker, who was not present the administrative hearing, told her that no verifications were missing, and her file was complete. In support, Petitioner filed along with her hearing request the verifications that she did deliver to the department. However, those verifications failed to include all the requested verifications which were requested in either the Redetermination Report, or, in the Verification Checklist. In addition, Petitioner was informed of the necessity of these verifications as well as put on notice by the evidentiary packet that the missing verifications were the reason for the closure of her case. And yet, Petitioner still failed to deliver the requested verifications of the missing earned income and the savings account at the administrative hearing.

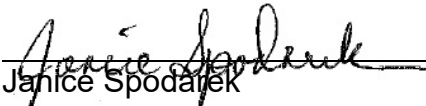
Based on the evidence of record, Petitioner's documentation is insufficient to establish what she asserted. As Petitioner has the burden of proof, Petitioner cannot prevail. As such, based on the record established in this matter and the applicable law, the Agency's decision must be upheld.

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 evidence of record supports the actions taken by the Respondent and thus, the closure must be upheld. Petitioner has not met her burden of proof and the Respondent has acted in accordance with Department and federal law and policy.

DECISION AND ORDER

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

JS/nr



Janice Spodarek
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

Richard Latimore
4733 Conner
Detroit, MI
48215

Wayne 57 County DHHS- via electronic
mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

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