



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

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██████████ MI ██████████

Date Mailed: July 27, 2018  
MAHS Docket No.: 18-006077  
Agency No.: 101982329  
Petitioner: ██████████

**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 July 18, 2018, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Micaela Grant, Eligibility Specialist.

**ISSUE**

Did the Department properly determine that Petitioner was not eligible for Food Assistance Program (FAP) benefits due to failure to provide requested verification?

**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 a recipient of FAP benefits with a semi-annual review due for April of 2018.
2. On April 30, 2018, the Department Caseworker received a Semi-Annual Contact Report, DHS 1046, from Petitioner with a completed questionnaire that stated that earned income had decreased, but no one had changed, started, or stopped a job. Department Exhibit 1, pgs. 3-4.
3. On May 2, 2018, the Department Caseworker sent Petitioner a Verification Checklist, DHS 3503, that was due back by May 14, 2018, for a missing check

stub for Petitioner for the end of April of 2018 that was sent to Petitioner's address on record of [REDACTED] MI [REDACTED]. Department Exhibit 1, pg. 5.

4. On May 31, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that her FAP benefits were closed because she did not submit the missing check stub and she will need to reapply from May 1, 2018. Department Exhibit 1, pgs. 6-8.
5. On June 11, 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 was a recipient of FAP benefits. She had a semi-annual review due, but she only turned in one pay check for herself for the month of April of 2018. On May 2, 2018, the Department Caseworker sent Petitioner a Verification Checklist, DHS 3503, that was due back by May 14, 2018, for a missing check stub for Petitioner for the end of April of 2018 that was sent to Petitioner's address on record of 5574 W. Salt River Rd., Shepherd, MI 4883. Department Exhibit 1, pg. 5. BEM 501.

During the hearing, Petitioner stated that she did not receive the mailer that was sent on May 2, 2018. The Department Caseworker stated that no mail was returned to the Department as undeliverable. The Petitioner did receive the mailer from May 31, 2018, sent to the same address. The Petitioner didn't work the second two-week period of April of 2018. However, the information was not communicated to the Department Caseworker. As a result, she properly sent out the mailer of May 2, 2018, asking for the second paystub and closed the case when no additional verification was received. Petitioner could have called or wrote a note to the Department Caseworker to say that I am turning in 2 paystubs for my husband, but only one paystub for me because I didn't work the second half of the month. Department Exhibit 1, pgs. a-c.

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 determined that Petitioner did not provide the required verification or explanation by the due date.

**DECISION AND ORDER**

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

CF/dh



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**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**

Heather Englehart  
1509 Washington, Ste. A  
PO BOX 1609  
Midland, MI 48641

Midland County, DHHS

BSC2 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

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