



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

██████████  
██████████  
██████████ MI ██████████

Date Mailed: July 27, 2018  
MAHS Docket No.: 18-006146  
Agency No.: 102671677  
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 and her mother, ██████████. The Department of Health and Human Services (Department) was represented by Brenda Drownicki, Hearing Facilitator.

**ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) and Medical Assistance (MA) for failure to provide required verification to determine continued eligibility for FAP and MA?

**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 and MA.
2. On January 30, 2018, the Department Caseworker sent Petitioner a Wage Match Client Notice, DHS 4638, that was due by March 1, 2018, to be filled out by Petitioner's employer at Product Development Corporations. Department Exhibit 1, pgs. 13-14.

3. On February 7, 2018, the Department Caseworker received a DHS 4638 completed by Petitioner, not the employer, dated February 2, 2018. Department Exhibit 1, pgs. 11-12.
4. On February 8, 2018, the Department Caseworker sent Petitioner a Verification Checklist, DHS 3503, that was due February 20, 2018, for Petitioner to provide verification of income from earned income. Department Exhibit 1, pgs. a-b.
5. On February 27, 2018, Petitioner called the Department Caseworker to tell her that she was having problems getting pay stubs from the employer and that they moved to a different area of the state. She was advised to try and contact the employer, but if she couldn't, to submit to the Department Caseworker a statement of why she was unable to locate the employer and the steps she had taken to resolve the situation. Department Exhibit 1, pg. c.
6. On May 25, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that effective June 1, 2018, her FAP case was closed for failure to provide verification to determine continued FAP eligibility. Department Exhibit 1, pgs. 1-4.
7. On May 25, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that effective July 1, 2018, her MA case was closed for failure to provide verification to determine continued MA eligibility. Department Exhibit 1, pgs. 5-8.
8. On June 13, 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.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No.

111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, Petitioner failed to report earned income from employment to the Department within 10 days as required by policy. As a result of a wage match, Petitioner was required to submit a DHS 4638 completed by her employer. On January 30, 2018, the Department Caseworker sent Petitioner a DHS 4638 that was due by March 1, 2018, to be filled out by Petitioner's employer at Product Development Corporations. Department Exhibit 1, pgs. 13-14.

Petitioner failed to submit a completed DHS 4638 by the due date. Petitioner did report that she was having a difficult time getting pay stubs from the employer. She was advised to try and contact the employer, but if she couldn't, to write the Department Caseworker with a statement of why she was unable to locate the employer and the steps she had taken to resolve the situation. Department Exhibit 1, pg. c. The Department Caseworker did not receive a DHS 4638 or a statement from Petitioner by the due date.


On May 25, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that effective June 1, 2018, her FAP case was closed for failure to provide verification to determine continued FAP eligibility. Department Exhibit 1, pgs. 1-4. On May 25, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that effective July 1, 2018, her MA case was closed for failure to provide verification to determine continued MA eligibility. Department Exhibit 1, pgs. 5-8. BAM 210 and 802. BEM 130 and 220.

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 FAP and MA case because she failed to submit a DHS 4638 completed by her employer or a statement to her Department Caseworker as to why she could not get the required verification. She is entitled to reapply for benefits.

### **DECISION AND ORDER**

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

CF/dh

  
\_\_\_\_\_  
**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**

Tolisha Bates  
21885 Dunham Road  
Clinton Twp., MI 48036

Macomb County (District 12), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

D. Smith via electronic mail

EQAD via electronic mail

**Petitioner**

██████████  
██████████  
██████████ MI ██████████