



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR



Date Mailed: July 2, 2018  
MAHS Docket No.: 18-004428  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**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 June 27, 2018, from Lansing, Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Shanita Gaines. Department Exhibit 1, pp. 1-23 was received and admitted.

**ISSUE**

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefits and Child Development and Care (CDC) 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. On April 15, 2018, Petitioner applied for FAP and CDC.
2. Petitioner earned \$2,440.80 in employment income in the 30 days prior to his application for FAP and CDC.
3. On April 16, 2018, Petitioner was sent a verification checklist and shelter verification via DHS Central Print that was due back on April 26, 2018. (Exhibit 1, pp. 11-13)

4. On April 26, 2018, Petitioner requested hearing disputing the denial of CDC and amount of FAP benefits.
5. On May 2, 2018, Notice of Case Action was sent to Petitioner informing him that he was approved for \$15.00 per month in FAP benefits and denied CDC due to excess income.
6. Petitioner conceded at hearing that he was over the income limit for CDC.

### **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 Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

In this case, with regard to Petitioner's application for CDC Petitioner conceded at hearing that he was over the income limit for CDC. Petitioner earned \$2,440.80 and the income limit for CDC was \$1759. RFT 270 Petitioner testified that his hours have been reduced in comparison to his hours in the month prior to the application. Petitioner was advised that if his income has been reduced then he should reapply.

With regard to FAP benefits, Petitioner testified that he did not receive the shelter verification form and only received the first page of the verification checklist. (Ex. 1, pp. 11-13) The case worker explained that the documents were generated and mailed via DHS-Central Print. Petitioner testified that he received the first page of the checklist but not the shelter verification. The first page of the checklist outlines what verifications are needed and is clear that proofs are due by April 26, 2018. If Petitioner did not receive the additional pages or was confused about what was required he should have contacted his case worker. Petitioner testified that he submitted documentation


regarding his shelter expense in May which was past the deadline. The Department followed policy in determining Petitioner's FAP benefits based on the verified information that they were provided which did not include shelter expense.

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 denied Petitioner's application for CDC and when it determined Petitioner's FAP benefit amount.

**DECISION AND ORDER**

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

AM/bb

  
\_\_\_\_\_  
**Aaron McClintic**  
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**

LaClair Winbush  
17455 Grand River Ave  
Detroit, MI 48227

Wayne County (District 31), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]