



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
MI [REDACTED]

Date Mailed: July 2, 2018  
MAHS Docket No.: 18-005401  
Agency No.: 124162536  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Vicki Armstrong**

**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 28, 2018, from Lansing, Michigan. Petitioner was represented by his brother, [REDACTED]. Petitioner attended and spoke limited English.

The Department of Health and Human Services (Department) was represented by Hearing Facilitator Kathleen Scorpio-Butina. Ms. Scorpio-Butina testified on behalf of the Department. The Department submitted 19 exhibits into evidence. The record was closed at the conclusion of the hearing.

**ISSUE**

Did the Department properly deny Petitioner's application for the Food Assistance Program (FAP) based on Petitioner's failure to timely return requested verifications?

**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 1, 2018, Petitioner submitted a New Hire Client Notice without income verifications. [Hearing Summary; Dept. Exh. 4].

2. On April 26, 2018, the Department mailed Petitioner a Verification Checklist, requesting verification of employment from Madkey Metro with a due date of May 7, 2018. [Dept. Exh. 5-6].
3. On May 10, 2018, Petitioner submitted a letter to the Department indicating he was never employed at Madkey Metro. [Dept. Exh. 7].
4. On May 14, 2018, the Department mailed Petitioner a Notice of Case Action indicating his FAP benefits were closed effective May 1, 2018 ongoing. [Dept. Exh. 8-11].
5. On May 21, 2018, Petitioner submitted a Request for Hearing. [Dept. Exh. 12-13].
6. On June 4, 2018, Petitioner submitted a Hearing Request Withdrawal. [Dept. Exh. 16].
7. On June 4, 2018, Petitioner submitted a second Request for Hearing. [Dept. Exh. 14-15].

### **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.

Department policy states that clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105, p 8 (1/1/2018). This includes completion of the necessary forms. *Id.* Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. *Id.* at 9. Clients must take actions within their ability to obtain verifications. *Id.* at 12.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130, p 1 (4/1/2017). Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. *Id.*

The Department uses the Verification Checklist, DHS-3503, to tell the client what verification is required, how to obtain it and the due date. BAM 130, p 3. The client

must obtain the required verification, but the Department must assist if they need and request help. *Id.*

A client is allowed 10 calendar days (or other time limit specified in policy) to provide the verification requested by the Department. BAM 130, p 6. The Department sends a negative action notice when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. *Id.* at 7.

In this case, Petitioner submitted a New Hire Client Notice on April 1, 2018, without paystubs. On April 26, 2018, the Department issued a Verification Checklist with a due date of May 7, 2018. Petitioner failed to timely return the requested verifications, and on May 14, 2018, the Department issued a Notice of Case Action indicating Petitioner's FAP benefits would close effecting May 1, 2018 ongoing.

Petitioner contended he did not understand what the Department was asking, which is why he failed to provide the paystubs. However, during the hearing in the above-captioned case, Petitioner admitted that he was assisted by the same relative to interpret the New Hire Client Notice that he says, he completed in error. Petitioner has a son with the same name, and Petitioner states it was his son who worked for Madkey Metro.

That son was also present for this hearing. Petitioner's authorized representative was questioned regarding how many people were in the household and how many were employed. It was reported that Petitioner's wife and son were working, yet Petitioner failed to report his wife was employed.

As a result, this Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with Department policy when it closed Petitioner's FAP benefits for failure to report his group's earned income in addition for failing to timely return the requested verifications.

### **DECISION AND ORDER**

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

VLA/hb



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**Vicki Armstrong**

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**

Lauren Casper  
27690 Van Dyke  
Warren, MI 48093

Macomb County (District 20) DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

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