



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: June 5, 2018
MAHS Docket No.: 18-004476
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 4, 2018, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Julie McLaughlin, Family Independence Manager/Hearing Facilitator and Debra Bradford, Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) 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. Petitioner was an ongoing FAP recipient.
2. On January 19, 2018, the Department sent Petitioner a Verification Checklist (VCL) which was returned as undeliverable on February 9, 2018 (Exhibit A).
3. On February 8, 2018, Petitioner contacted the Department and reported a new address.
4. On February 8, 2018, the Department sent Petitioner a VCL requesting verification of her new shelter expense (Exhibit B).

5. On February 8, 2018, the Department sent Petitioner a Shelter Verification form to be completed by her landlord (Exhibit E).
6. On March 12, 2018, Petitioner submitted a copy of a 30-day lease (Exhibit C).
7. On March 17, 2018, the Department sent Petitioner a Notice of Case Action informing Petitioner that her FAP benefit amount was decreasing to \$15 per month effective April 1, 2018, ongoing (Exhibit D).
8. On March 28, 2018, Petitioner submitted a statement from her landlord (Exhibit G).
9. On April 6, 2018, Petitioner submitted another statement from her landlord (Exhibit H).
10. On April 6, 2018, the Department sent Petitioner a Notice of Case Action informing Petitioner that her FAP benefit amount was increasing to \$65 effective May 1, 2018, ongoing (Exhibit I).
11. On April 19, 2018, Petitioner submitted a request for hearing disputing the Department's actions.

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 submitted a request for hearing disputing the Department's decision to reduce her FAP benefit amount as a result of the removal of her shelter expense. On February 8, 2018, Petitioner notified the Department that she had moved. On February 8, 2018, the Department sent Petitioner a VCL requesting verification of her new shelter expense. Proofs were due on February 20, 2018.

The Department will verify shelter expenses at application and when a change is reported. BEM 554, p. 14. If the client fails to verify a reported change in shelter, the Department will remove the old expense until the new expense is verified. BEM 554, p. 14. To request verification of information, the Department sends a verification checklist

(VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130 (April 2017), p. 3. For FAP cases, the Department allows the client 10 calendar days to provide the verification that is required. BAM 130, p. 7.

On March 12, 2018, Petitioner submitted a copy of a 30-day lease agreement. The Department testified the lease agreement was insufficient to properly verify Petitioner's shelter expense. The lease agreement did not list Petitioner's name as an occupant (Exhibit C). As a result, the Department did not include any shelter expenses in the calculation of Petitioner's April 2018 FAP benefit amount (Exhibit F). On March 17, 2018, the Department sent Petitioner a Notice of Case Action informing Petitioner that her FAP benefit amount was decreasing to \$15 per month effective April 1, 2018, ongoing.

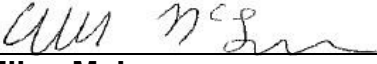
On April 6, 2018, Petitioner submitted a letter from her landlord containing all of the necessary information to verify her shelter expense. As a result, the Department included Petitioner's housing expense in the calculation of her May 2018 FAP benefit amount (Exhibit J). The Department sent Petitioner a Notice of Case Action on April 6, 2018, informing her that her FAP benefit amount was increasing to \$65 per month effective May 1, 2018, ongoing.

The Department acted in accordance with policy when it removed Petitioner's shelter expense from her April 2018 FAP budget. The Department was unable to verify Petitioner's shelter expense, as the documentation she submitted on March 12, 2018 did not have her name listed as an occupant. On February 8, 2018, the Department sent Petitioner a Shelter Verification form which included what information must be contained in the proofs submitted, including the client's name. The documentation submitted by Petitioner on March 12, 2018 was insufficient to prove her shelter expense. As such the Department correctly removed the expense until it was properly verified, which resulted in the reduction of Petitioner's FAP benefit amount for April 2018.

DECISION AND ORDER

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 Petitioner's FAP eligibility. Accordingly, the Department's decision is **AFFIRMED**.

EM/cg



Ellen McLemore
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

Via Email:

MDHHS-Muskegon-Hearings
M. Holden
D. Sweeney
BSC3- Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

