



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: July 27, 2018  
MAHS Docket No.: 18-006139  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 her husband, Anderh Esho. The Department of Health and Human Services (Department) was represented by Linda Brown, Hearing Facilitator.

**ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) case due to failure to provide required verification by the due date?

**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 redetermination due in April of 2018.
2. On [REDACTED], 2018, the Department Caseworker received a completed Redetermination Application, DHS 1010, from Petitioner. Department Exhibit 1, pgs. 3-10.
3. On April 11, 2018, the Department Caseworker completed the required interview where Petitioner's husband reported that he was not currently working, but he had

been working four to five months ago and failed to report the income timely. Department Exhibit 1, pg. 11-12.

4. On April 11, 2018, the Department Caseworker sent Petitioner a Verification Checklist, DHS 3503, that was due on April 23, 2018 for Petitioner to provide written verification of current bank statements, income received from employment from October 1, 2017, and proof of federal tax refund amount. Department Exhibit 1, pgs. 13-16.
5. On April 23, 2018, the Department Caseworker received a completed Verification of Employment, DHS 38, but a start date, income verification, and rate of pay was not included. Department Exhibit 1, pgs. 17-18.
6. On April 25, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that effective May 1, 2018, her FIP case was closed for failure to provide earned income verification. Department Exhibit 1, pgs. 19-23.
7. On June 20, 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's husband went back to work. However, Petitioner failed to report the return to work within 10 days as is required by policy. He did report during the telephone interview on April 11, 2018. As a result, the Department Caseworker sent Petitioner a Verification Checklist, DHS 3503, on April 11, 2018 that was due on April 23, 2018, for Petitioner to provide written verification of current bank statements, income received from employment from October 1, 2017, and proof of federal tax refund amount. Department Exhibit 1, pgs. 13-16.

On April 23, 2018, the Department Caseworker received a completed Verification of Employment, DHS 38, but a start date, income verification, and rate of pay was not included. Department Exhibit 1, pgs. 17-18. Since the Department Caseworker was unable to verify the earned income and the duration of the employment, the FAP case

was closed. On April 25, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that effective May 1, 2018, her FIP case was closed for failure to provide earned income verification. Department Exhibit 1, pgs. 19-23. The Department is required to verify earned income to determine continued eligibility for FAP benefits. BAM 200 and 210. BEM 500 and 501. ERM 101 and 103.

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 case because she failed to provide the required verification of earned income.

### **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**

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]