



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

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

Date Mailed: August 3, 2018  
MAHS Docket No.: 18-006446  
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 26, 2018, from Lansing, Michigan. Petitioner was represented by himself and [REDACTED], an Employment Specialist with Interact. The Department of Health and Human Services (Department) was represented by Lisa Pearson, Eligibility Specialist and Tamia McGlothlin, Assistance Payments Supervisor.

**ISSUE**

Did the Department properly determine the Petitioner's continued eligibility for Food Assistance Program (FAP) and Medical Assistance (MA) benefits?

**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 benefits, which required him to report to the Department employment or loss of employment within 10 days as required by the Department policy.
2. On March 20, 2018, the Department Caseworker sent Petitioner a New Hire Client Notice, DHS 4635, that was due on March 30, 2018, to verify employment income. Department Exhibit 1, pgs. 6-7.
3. On May 2, 2018, Petitioner reported the loss of employment to the Department.

4. On May 17, 2018, the Department Caseworker sent Petitioner a Verification Checklist, DHS 3503, that was due May 29, 2018, for Petitioner to provide written verification of shelter expenses, last 30 days of check stubs, and employer statement with a DHS 38, Verification of Employment. Department Exhibit 1, pgs. 8-9.
5. On May 23, 2018, Petitioner submitted a completed DHS 4635 to the Department Caseworker because a DHS 38 was not included in the mailing on May 17, 2018. Department Exhibit 1, pgs. 6-7.
6. On June 15, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that Petitioner's FAP case was closed effective July 1, 2018 for failure to provide verification of loss of employment and earned income. Department Exhibit 1, pgs. 10-11.
7. On June 15, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that Petitioner's MA case was closed effective July 1, 2018, for failure to provide verification of loss of employment. Department Exhibit 1, pgs. 10-11.
8. On June 22, 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 was a recipient of FAP and MA. According to the wage match, Petitioner had unreported earned income from employment. On March 20, 2018, the

Department Caseworker sent Petitioner a New Hire Client Notice, DHS 4635, that was due on March 30, 2018 to verify employment income. Department Exhibit 1, pgs. 6-7.

On May 2, 2018, Petitioner reported the loss of employment to the Department. On May 17, 2018, the Department Caseworker sent Petitioner a Verification Checklist, DHS 3503, that was due May 29, 2018, for Petitioner to provide written verification of shelter expenses, last 30 days of check stubs, and an employer statement with a DHS 38, Verification of Employment. Department Exhibit 1, pgs. 8-9. On May 23, 2018, Petitioner submitted a completed DHS 4635 to the Department Caseworker because a DHS 38 was not included in the mailing on May 17, 2018. Department Exhibit 1, pgs. 6-7.

However, this was not sufficient verification in that Petitioner cannot verify that his employment has ended; only an employer can verify that employment has ended. A written statement from his employer verifying that the employment had ended would have been sufficient even though the Department Caseworker did not submit a DHS 38 with the original request. There were no check stubs submitted to verify earned income. Petitioner failed to submit check stubs of the income earned and a statement from his employer that the employment had ended.


As a result, the Department Caseworker pended Petitioner's FAP and MA to close for failure to submit required verifications. On June 15, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that Petitioner's FAP case was closed effective July 1, 2018, for failure to provide verification of loss of employment and earned income. Department Exhibit 1, pgs. 10-11. On June 15, 2018, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that Petitioner's MA case was closed effective July 1, 2018, for failure to provide verification of loss of employment. Department Exhibit 1, pgs. 10-11. On June 22, 2018, the Department received a hearing request from Petitioner, contesting the Department's negative action.

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 for failure to verify end of employment and earned income from employment for the Department to determine continued eligibility for FAP and MA.

**DECISION AND ORDER**

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

CF/dh

  
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**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**

Kimberly Kornoelje  
121 Franklin SE  
Grand Rapids, MI 49507

Kent County (District 1), DHHS

BSC3 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

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