



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

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Date Mailed: August 31, 2018
MAHS Docket No.: 18-007605
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: John Markey

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 August 28, 2018, from Lansing, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Nicole Hawkins, Assistance Payments Supervisor. During the hearing, four documents were offered and admitted into evidence as Exhibits A through D.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits case?

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 ██████████, 2018, Petitioner went to a Department office and began filling out an online application for FAP benefits.
2. While filling out the online application, Petitioner's Social Security Number was flagged as potentially fraudulent, preventing Petitioner from completing the online application and requiring her to fill out a paper application.
3. On ██████████, 2018, Petitioner submitted a paper application for FAP benefits. Exhibit A, pp. 1-16.

4. Along with the application, Petitioner submitted a handwritten document alleging that she was a victim of identity theft. She further asked that the case be closed. Exhibit A, p. 10.
5. On June 18, 2018, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her case was being closed. Exhibit B, pp. 1-4.
6. On June 20, 2018, the Department issued to Petitioner a Notice of Case Action informing Petitioner that she was approved for the maximum monthly FAP benefits of \$192.00, starting July 1, 2018. Exhibit C, pp. 1-4.
7. On June 25, 2018, Petitioner submitted to the Department a document asking the Department to close her case because of identity fraud. Exhibit D.
8. On July 20, 2018, Petitioner filed a request for hearing with respect to the Department's handling of her FAP benefits case.

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 went to a Department office in order to submit an online application for FAP benefits. While doing so, the process was interrupted by a prompt on the computer screen indicating that Petitioner's Social Security Number had been flagged for potential fraudulent activity. As a result, Petitioner was instructed to stop the online application process and complete a paper application instead.

On the paper application, Petitioner indicated that she had no income. Thus, Petitioner's application was processed as an expedited FAP application, and benefits for the months of June and July of 2018 were issued to an EBT card that was provided to Petitioner.

However, as a result of Petitioner's filings with the Department requesting her FAP benefits case be closed, the Department closed Petitioner's case. As a result, no more benefits beyond July of 2018 were issued to Petitioner's EBT card. Petitioner objects to the Department's actions in this matter and believes that because her Social Security

Number was flagged for fraud on the online application, the Department is required to take some additional action beyond processing her paper application and dispensing her benefits according to her eligibility.

When a client is no longer eligible or requests case closure, the Department will do all of the following:

Enter all appropriate information, including verification sources, in Bridges to document ineligibility, or the client's request that the program be closed;

Run EDBC in Bridges and certify the eligibility results; and

Make appropriate referral for other programs or services.

BAM 220 (July 2018), p. 20.

In this case, Petitioner applied for FAP benefits, was approved, and requested the Department close her FAP benefits case because she suspected she was a victim of identity theft. Pursuant to Petitioner's request, the Department closed Petitioner's FAP case. The Department followed policy in closing Petitioner's FAP benefits case.

Although Petitioner argues that the Department should have taken additional actions, the issue at hearings are limited to the denial of benefits or closure of benefits cases. BAM 600 (July 2018), p. 5.

Further, Petitioner may reapply for FAP benefits at any time. During the hearing, no evidence was presented indicating that Petitioner's information has ever been used by anyone other than Petitioner to apply for benefits from the Department. The Department witness indicated that it had been more than five years since Petitioner had collected any FAP benefits and that upon application, Petitioner was almost immediately approved for the maximum benefit, which was put on an EBT card in Petitioner's name. That card was handed to Petitioner. Petitioner is free to use those benefits, and that card, with an appropriate PIN, will prevent anyone else from using benefits issued to Petitioner.

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 the Claimant's FAP benefits case.

DECISION AND ORDER

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



JM/dh

John Markey
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

Dora Allen
14061 Lappin
Detroit, MI 48205

Wayne County (District 76), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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