



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

Date Mailed: September 4, 2018
MAHS Docket No.: 18-007726
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki L. 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 August 30, 2018, from Lansing, Michigan. Petitioner personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Assistance Payment Supervisor Diana Weyhmiller and Eligibility Specialist Patrick Zondervan. Ms. Weyhmiller and Mr. Zondervan testified on behalf of the Department. The Department submitted 32 exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

Did the Department properly decrease Petitioner's July 2018 Food Assistance Program (FAP) benefits based on information contained in Petitioner's Child Day Care (CDC) application?

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 [REDACTED], 2018, Petitioner submitted an application for CDC, listing employment. [Dept. Exh. 6].
2. Petitioner had an active FAP case at the time of her CDC application. [Dept. Exh. 1].

3. On May 3, 2018, the Department mailed Petitioner a Verification Checklist requesting her work schedule, pay stubs, employment verification and a signed statement from her employer listing her hours worked. The verifications were due on May 14, 2018. [Dept. Exh. 7-8].
4. On May 31, 2018, the Department mailed Petitioner a Notice of Case Action, informing her that her FAP benefits were closing effective July 1, 2018. [Dept. Exh. 10-13].
5. On June 7, 2018, FAP was reinstated effective July 1, 2018, based on income reported on Petitioner's May 1, 2018 CDC application. The amount allotted was \$15.00 a month. [Dept. Exh. 16-18].
6. On June 14, 2018, Petitioner submitted a change request, informing the Department that her employment with [REDACTED] had ended on June 13, 2018. [Dept. Exh. 22-23].
7. On June 14, 2018, the Department mailed Petitioner a Verification Checklist requesting proof that she was no longer working. [Dept. Exh. 24].
8. On July 6, 2018, Petitioner submitted an employer statement from [REDACTED] explaining her job duties as of May 3, 2018 and indicating an end date of June 12, 2018. The employer's statement was dated June 22, 2018. [Dept. Exh. 25].
9. On July 20, 2018, the Department utilized the Work Number to verify Petitioner's employment with Manpower had ended. [Dept. Exh. 26-29].
10. On July 20, 2018, the Department mailed Petitioner a Notice of Case Action informing her that her FAP benefits would be increased to \$352.00 a month beginning August 1, 2018. [Dept. Exh. 30-32].
11. On July 27, 2018, Petitioner submitted a Request for Hearing contesting her July 2018 FAP allotment of \$15.00. [Dept. Exh. 3-4].
12. On August 30, 2018, Petitioner initially testified that she had mailed the employer statement dated June 22, 2018, in the envelope the Department provided, on June 20, 2018. Later in the hearing, Petitioner identified page 25 of the Department's exhibits, as the page she faxed to the Department on July 6, 2018, when she did not see the employer statement she had mailed on June 20, 2018, posted in her account. Petitioner testified that the employer statement on page 25, was the same document she had mailed to the Department on June 20, 2018. The employer statement on page 25 is dated June 22, 2018. [Testimony of Michelle Libbette, Dept. Exh. 25].

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 9 (January 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.* Clients must take actions within their ability to obtain verifications. *Id.* at 14.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130, p 1 (April 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 7. 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 applied for CDC on [REDACTED], 2018. Petitioner was active on FAP at the time of her CDC application. On June 14, 2018, Petitioner notified the Department that she was no longer working. The Department mailed Petitioner a Verification Checklist on June 14, 2018, requesting verification of loss of employment with a due date of June 25, 2018. Petitioner testified she mailed the requested proof of loss of employment on June 20, 2018. She checked her Department electronic file on July 6, 2018, to ensure the Department had received proof of the loss of employment, and not seeing it in her computerized file, Petitioner faxed the proof of loss of employment to the Department on July 6, 2018.

Petitioner identified page 25 of the Department's exhibits as the page she initially mailed to the Department on June 20, 2018, and then faxed over on July 6, 2018. The document identified on page 25 is dated June 22, 2018. Therefore, Petitioner could not have mailed it to the Department on June 20, 2018.

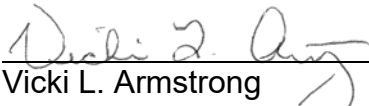
According to the Verification Checklist dated June 14, 2018, the proof of loss of employment was due on June 25, 2018. It was not received by the Department until July 6, 2018. Therefore, the Department properly determined Petitioner's FAP allotment for the month of July 2018 as \$15.00 based on the information provided by Petitioner on her CDC application.

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 decreased the Petitioner's FAP allotment to \$15.00 for the month of July 2018.

DECISION AND ORDER

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

VLA/nr



Vicki L. 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

Kimberly Kornoelje
121 Franklin SE
Grand Rapids, MI
49507

Kent County DHHS- via electronic mail

BSC3- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

L. Brewer-Walraven- via electronic mail

Petitioner

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