



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

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

Date Mailed: September 26, 2018  
MAHS Docket No.: 18-008430  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 September 20, 2018, from Lansing, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Michael Wolfe, Case Worker. During the hearing, a seven-page packet of documents was offered and admitted as Exhibit A, pp. 1-7.

**ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) case as a result of Petitioner's failure to provide requested verifications?

**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 August 3, 2018, the Department issued to Petitioner a New Hire Client Notice. The instructions on the notice directed Petitioner to return the completed form by August 13, 2018, in order to prevent the closure of her FAP case. Exhibit A, pages 3-4.
3. On August 17, 2018, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her FAP benefits case was closing, effective September

- 1, 2018, for failing to return the verifications requested on the New Hire Client Notice. Exhibit A, pp. 5-6.
4. Petitioner had not returned to the Department the completed New Hire Client Report as of the date of the hearing in this matter.
  5. On August 21, 2018, the Department received Petitioner's request for a hearing protesting the closure of her FAP benefits.

### **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 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 filed a request for hearing in order to challenge the Department's closure of Petitioner's FAP benefits case. The Department alleges that Petitioner did not provide required verifications or make a reasonable effort to do so by the deadline, and Department policy requires case closure under the circumstances. Petitioner's position is that she did make an effort to provide the information but did not do so because she was waiting on additional information from the employer which Petitioner contended was necessary for the completion of the form.

Department policy requires clients to cooperate with the local office in determining initial and ongoing eligibility, and this includes the completion of necessary forms, like verifications related to starting or stopping employment. BAM 105 (January 1, 2018), p. 9. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130 (April 1, 2017), pp. 1-10.

Petitioner was an ongoing FAP recipient when the Department became aware of the fact that Petitioner's daughter and fellow FAP group member began working. As a result of that report, the Department issued a New Hire Client Notice on August 3, 2018.

The notice requested verifications of basic information regarding her new employment, including pay rates and expected hours. In addition, the notice requested any paycheck stubs that may have been received from the employer. However, those requests were contingent on the employer having actually issued a paycheck stub. Specifically, Petitioner was instructed: ***“If you have already received a paycheck, return the pay stubs with the completed form.”*** [emphasis in original]. Petitioner was informed that failure to return the completed form would result in the closure of her FAP case.

Petitioner did not return the completed form by the August 13, 2018, deadline, prompting the Department to issue the August 17, 2018, Notice of Case Action informing Petitioner that her failure to return the form was going to cause her FAP case to close effective September 1, 2018.

Once Petitioner received the Notice of Case Action, she began writing emails to Ms. Wolfe. Ms. Wolfe repeatedly called Petitioner back and left her voicemails explaining what Petitioner needed to do in order to prevent her FAP case from closing. Petitioner did not return any of the phone calls. Instead, she sent Ms. Wolfe more emails. Ms. Wolfe repeatedly told Petitioner that she needed to complete and submit the New Hire Client Notice in order to prevent her FAP case from closing. Petitioner had not, as of the date of the hearing, returned the New Hire Client Notice to the Department.

Petitioner's argument was that she did not return the forms because she was waiting on check stubs from the employer. She testified that once she received those, she was planning to submit the New Hire Client Notice and attached check stubs. Petitioner's lack of check stubs is not a credible or reasonable excuse for failing to return the completed New Hire Client Notice. After all, the New Hire Client Notice informs Petitioner, at multiple points, that she only has to submit check stubs with the completed form if she had already been issued paychecks. As Petitioner testified that no paychecks or check stubs had been issued even by the end of August of 2018, there was absolutely nothing preventing Petitioner from submitting the completed form and preventing the closure of her FAP case.

The Department followed policy when it closed Petitioner's FAP case for failing to provide or even make a reasonable effort to provide the verifications requested in the New Hire Client Notice. Reinstatement restores a closed program to active status without completion of a new application. Closed programs may be reinstated when a client has complied with program requirements before the negative action date. BAM 205 (January 1, 2018), p. 1.

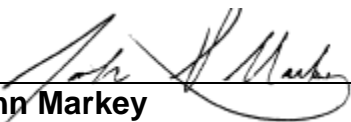
In this case, Petitioner failed to return the completed New Hire Client Notice to the Department prior to the negative action date of September 1, 2018. In fact, it appears that Petitioner never returned the completed New Hire Client Notice. Thus, the Department acted properly in not reinstating Petitioner's FAP benefits case.

**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 closed Petitioner's FAP case effective September 1, 2018.

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**

Denise McCoggle  
27260 Plymouth Rd  
Redford, MI 48239

Wayne County (District 15), DHHS

BSC 4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

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