



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: March 4, 2019
MAHS Docket No.: 19-000444
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on February 27, 2019, from Lansing, Michigan. [REDACTED] [REDACTED] Petitioner, appeared with [REDACTED] [REDACTED] Petitioner's interpreter and witness. Dionere Craft, Hearing Facilitator, appeared with Lateshia Norfleet, Case Manager, on behalf of the Department. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 24-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner's request for Food Assistance Program (FAP) 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. On [REDACTED] [REDACTED] 2018, Petitioner applied for FAP benefits.
2. On October 23, 2018, the Department issued a Verification Checklist to Petitioner which instructed Petitioner to provide verification for his checking account to the Department by November 2, 2018.
3. Petitioner received the Department's Verification Checklist.

4. The Department did not receive the requested verification from Petitioner by November 2, 2018, as instructed.
5. On November 19, 2018, the Department issued a Notice of Case Action which notified Petitioner that his request for FAP benefits was denied in part because Petitioner did not provide verification as instructed.
6. On January 8, 2019, Petitioner filed a hearing request to dispute the Department's decision to deny his request for FAP benefits.

CONCLUSIONS OF LAW

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.

Here, the Department denied Petitioner's request for FAP benefits after the Department did not receive requested verification from Petitioner by the due date. In the Verification Checklist issued to Petitioner, the Department notified Petitioner that failure to return the verification as instructed could result in the denial, decrease, or cancellation of FAP benefits. When Petitioner failed to return the verification as instructed, the Department chose to deny his request.

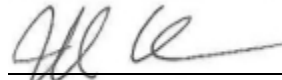
The Department acted in accordance with its policies when it denied Petitioner's request for FAP benefits. Pursuant to the Department's policies, the Department must tell a client what verification is required, how to obtain it, and when it is due. BAM 130 (April 1, 2017), p. 3. The Department must give the client 10 days to provide it. BAM 130, p. 7. It is the client's responsibility to obtain verifications as instructed. If a client does not make a reasonable effort to provide verifications as instructed, then the Department must send a Negative Action Notice. BAM 130, p. 7. Although Petitioner asserted that he provided the requested verification, there was no evidence to establish the date Petitioner provided the verification, there was no evidence to corroborate Petitioner's assertion, and the Department denied ever having received Petitioner's verification. Thus, I must find that there was insufficient evidence to establish that Respondent made a reasonable effort to provide the verification as instructed. Therefore, I must find that the Department acted in accordance with its policies when it notified Petitioner that his request for FAP benefits was denied.

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 did act in accordance with its policies and the applicable law when it denied Petitioner's request for FAP benefits.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/nr



Jeffrey Kemm
Administrative Law Judge
for Robert Gordon, 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

Keisha Koger-Roper
12140 Joseph Campau
Hamtramck, MI
48212

Wayne 55 County DHHS- via electronic
mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

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