



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
Date Mailed: April 9, 2019
MAHS Docket No.: 19-002411
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 April 4, 2019, from Detroit, Michigan. Petitioner appeared but did not participate in the hearing. Petitioner was represented by his Authorized Hearing Representative (AHR), [REDACTED]. The Department of Health and Human Services (Department) was represented by Stephanie Edwards, Eligibility Specialist. During the hearing, a five-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-5.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits case, effective February 1, 2019?

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 recipient of FAP benefits from the Department. Petitioner is disabled and lives with [REDACTED], who is Petitioner's Authorized Representative (AR) for the purposes of communicating with the Department.
2. On November 27, 2018, Petitioner began working part-time for [REDACTED]. Shortly thereafter, [REDACTED] issued to Petitioner his first paycheck.

3. The Department received a wage match notification indicating that Petitioner was earning income that had not been reported to the Department.
4. On December 17, 2018, the Department issued to Petitioner a New Hire Client Notice. The document informed Petitioner that the Department's wage match system discovered that Petitioner was working for [REDACTED] and requested information related to Petitioner's employment. Petitioner was instructed to complete the form and return it by December 27, 2018. The Notice included a warning that "[f]ailure to provide this information by the due date with result in cancellation of your public assistance benefits." Exhibit A, pp. 2-3.
5. On January 3, 2019, the Department issued to Petitioner a Notice of Case Action informing Petitioner that his FAP case was closing, effective February 1, 2019, as a result of Petitioner's failure to respond to the New Hire Client Notice. Exhibit A, p. 4.
6. On [REDACTED], 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's action in this 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's FAP case was closed, effective February 1, 2019, after Petitioner failed to return a completed New Hire Client Notice in a timely manner. The New Hire Client Notice was issued on December 17, 2018 and informed Petitioner that if the Department did not receive the completed form by December 27, 2018, it would cause Petitioner's FAP case to close. When the deadline passed without receiving anything, the Department issued the January 3, 2019, Notice of Case Action informing Petitioner that the FAP case was closing, effective February 1, 2019.

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 2019), 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 change affecting eligibility or benefit level or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130 (April 2017), p. 1. Verifications are considered timely if received by the date they are due. BAM 130, p. 7. The Department sends a negative case action when either (1) the client indicates a refusal to provide the verification or (2) the time period has elapsed and the client has not made a reasonable effort to provide the verification. BAM 130, p. 7.

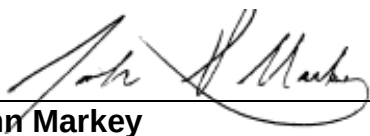
During the hearing, [REDACTED], who lives with Petitioner and serves as Petitioner's AR for the purposes of communicating with the Department, testified that she received either the New Hire Client Notice or the Notice of Case Action informing her of the closure sometime in January 2019 but did not understand what she received. She further testified that she waited until sometime in February 2019 to attempt to communicate with the Department regarding the document she received and explained that the delay was the result of her priorities being focused on more pressing, immediate needs related to dismal living conditions imposed upon them by their landlord.

Both the New Hire Client Notice and the Notice of Case Action were addressed to Petitioner at Petitioner's address of record. That is the same address the Notice of Hearing for the hearing in the instant matter was mailed to. [REDACTED] acknowledged receiving one of the two documents and failed to take any action until after the negative action date. It is found that the documents were properly served to Petitioner via Petitioner's AR and that the time period for compliance passed without there being a reasonable effort to provide the requested verifications. Accordingly, the Department's closure of Petitioner's FAP case, effective February 1, 2019, was in compliance with law and policy. Thus, the Department's decision is affirmed.

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 benefits case, effective February 1, 2019. Accordingly, the Department's decision is **AFFIRMED**.

JM/cg



John Markey
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

Via Email:

MDHHS-Oakland-2-Hearings
M. Holden
D. Sweeney
BSC4- Hearing Decisions
MAHS

Petitioner –

Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]

Authorized Hearing Rep. –

Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]