



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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

Date Mailed: April 26, 2019
MOAHR Docket No.: 19-002889
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 April 24, 2019, from Lansing, Michigan. Petitioner, [REDACTED] appeared and represented herself. Assistance Payments Supervisor, Amy Turner, appeared for the Department of Health and Human Services (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 determine Petitioner's Food Assistance Program (FAP) benefit?

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, the Department issued a redetermination to Petitioner to obtain information from Petitioner to review her eligibility for FAP benefits. The redetermination instructed Petitioner to report all assets, including bank accounts. The redetermination also instructed Petitioner to provide proof with her name on it. The redetermination advised Petitioner that benefits may be cancelled for failure to provide proofs.

2. On [REDACTED] [REDACTED] 2018, Petitioner submitted her response to the redetermination to the Department. Petitioner asserted that she had a [REDACTED] for child support and that she had checking and savings accounts at Federal 1. Petitioner included the following proofs: (a) a [REDACTED] check for account ending in [REDACTED] with "\$[REDACTED] is balance" written on it and (b) an [REDACTED] ATM receipt showing a balance of \$[REDACTED] for account ending in [REDACTED]
3. On January 16, 2019, the Department issued a Verification Checklist which instructed Petitioner to "provide a current (dated within the last 30 days) bank statement that includes your name, the bank name, balance and partial account number, for all household bank accounts and prepaid cards." The Verification Checklist advised that for the prepaid card only Petitioner could turn in a copy of the card with an ATM inquiry receipt showing the balance of the card. The Verification Checklist advised that the requested information was due by January 28, 2019, and that failure to provide it could result in cancellation of benefits.
4. On January 24, 2019, Petitioner provided the following proofs to the Department: (a) a copy of a [REDACTED] card ending in [REDACTED] and (b) an undated document called share and loan list that showed a regular shares account with a balance of \$[REDACTED] and a just checking account with a balance of \$[REDACTED] Petitioner did not provide any proofs of her [REDACTED] or any proofs related to her account ending in [REDACTED]
5. On January 29, 2019, Petitioner completed an interview with the Department. Petitioner asserted that she turned in her bank account information to the front desk.
6. On February 8, 2019, the Department issued a Notice of Case Action which notified Petitioner that she was not eligible for FAP benefits effective February 1, 2019, because she did not verify her current balance on her [REDACTED]
7. On February 28, 2019, Petitioner provided proofs for her [REDACTED] including a copy of the card ending in [REDACTED] and an ATM inquiry receipt showing the balance of \$[REDACTED] on the card.
8. On March 4, 2019, the Department issued a Notice of Case Action which notified Petitioner that she was eligible for FAP benefits effective February 28, 2019.
9. On March 19, 2019, Petitioner filed a hearing request to dispute the Department's decision to deny her benefits from February 1, 2019, through February 27, 2019.

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.

Verification is usually required at application. BAM 130 (April 1, 2017), p. 1. Verification includes the use of documents, collateral contacts, and home calls. BAM 130, p 1-2. The Department must tell the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. The Department must allow the client 10 calendar days to provide the verification that is requested. BAM 130, p. 8. The Department must send a case action notice if the client refuses to provide the requested verification or the client fails to make a reasonable effort to provide it before the due date lapses. BAM 130, p. 8-9.

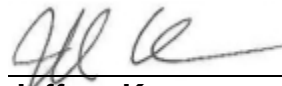
The Department sent Petitioner a Verification Checklist which instructed Petitioner what verification was required, how to obtain it, and the due date. It was Petitioner's responsibility to obtain the requested verification and to make sure the Department received it by the due date. Petitioner failed to provide the requested verification by the due date, and Petitioner did not present sufficient evidence to establish that she made a reasonable effort to provide it before the due date. Therefore, I must find that the Department acted in accordance with its policies when it issued its February 8, 2019, Notice of Case Action which found Petitioner ineligible for FAP benefits effective February 1, 2019.

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 its policies and the applicable law when it found Petitioner ineligible for FAP benefits effective February 1, 2019.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/hb



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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Denise Croff
301 E. Louis Glick Hwy.
Jackson, MI 49201

Jackson County, DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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