



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]

Date Mailed: May 17, 2019  
MOAHR Docket No.: 19-003740  
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 May 9, 2019, from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Territa Rivers-Jones, Family Independence Manager. During the hearing, two packets of documents were offered and admitted into evidence as Exhibit A, pp. 1-41, and Exhibit B, pp. 1-2.

### **ISSUE**

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

Did the Department properly close Petitioner's Family Independence Program (FIP) cash assistance benefits case, effective May 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.
2. On December 17, 2018, Petitioner submitted to the Department an application for FIP cash assistance benefits. Petitioner indicated that nobody in the home had any earned income and that she had not lost employment within the previous 30 days. Exhibit A, pp. 5-10.

3. On December 21, 2018, Petitioner received her final paycheck from her employment with [REDACTED]. That paycheck covered Petitioner's earnings from December 2, 2018 through December 15, 2018. Exhibit A, p. 31.
4. Petitioner was deferred from participation in work-related activities and received FIP benefits.
5. At some point, the Department received notification that Petitioner had earnings that she had not previously disclosed to the Department.
6. On March 5, 2019, the Department issued to Petitioner two documents entitled Wage Match Client Notice. One of those pertained to a job Petitioner had with [REDACTED], and the other pertained to a job Petitioner had with [REDACTED]. The documents informed Petitioner that she had to have the documents filled out and returned to the Department by April 4, 2019 in order to avoid having her cases closed. Exhibit A, pp. 15-18.
7. Petitioner did not return the documents to the Department.
8. On April 11, 2019, the Department issued to Petitioner two documents. One was a Notice of Case Action informing Petitioner that her FAP benefits case was closing, effective May 1, 2019, for failure to verify her wages. The other was a Benefit Notice informing Petitioner that her FIP case was closing, effective May 1, 2019, for failing to verify her wages. Exhibit A, pp. 21-22; Exhibit B, pp. 1-2.
9. On April 17, 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's closure of her FIP and FAP cases, effective May 1, 2019.
10. After the hearing request was filed, the Department reversed the FAP closure and reinstated Petitioner's FAP benefits. Petitioner testified at the hearing that she was satisfied with the Department's action and requested to withdraw her hearing request with respect to FAP.

### **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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

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.

## **FAP BENEFITS**

In this case, Petitioner filed a hearing request objecting to the closure of her FIP and FAP cases, effective May 1, 2019. After filing the hearing request, the Department reinstated Petitioner's FAP case. During the hearing, Petitioner testified that she was satisfied with the Department's action and asked to withdraw her appeal with respect to the FAP closure. After considering Petitioner's request, the motion to withdraw her hearing request with respect to her FAP benefits is granted. Accordingly, Petitioner's hearing request with respect to action taken concerning her FAP benefits case is hereby dismissed.

## **FIP CLOSURE, EFFECTIVE MAY 1, 2019**

In this case, Petitioner submitted an application for FIP benefits on December 17, 2018. On the application, Petitioner indicated that she did not presently have a job nor did she have one within the previous 30 days. Petitioner was initially approved for FIP benefits and received them for a couple of months. However, in the first part of 2019, the Department received notification that Petitioner had wages that she had not disclosed to the Department. As a result, the Department issued documents to Petitioner on March 5, 2019 for her to have filled out by the employer and returned to the Department by April 4, 2019. Because the Department had not received the required verifications by the deadline, it issued to Petitioner an April 11, 2019 Benefit Notice informing Petitioner that her FIP case was closing, effective May 1, 2019, due to Petitioner's failure to verify her employment and income.

On April 17, 2019, Petitioner submitted a hearing request along with paycheck stubs showing that she had earnings all the way through December 21, 2018, at the earliest, which directly contradicted her statements on the December 17, 2018 FIP application and during subsequent interviews with the Department. On April 26, 2019, Petitioner finally submitted the Wage Match Client Notices to her employer to have fill out for the first time. However, that was more than three weeks after the deadline for having them completed and returned to the Department.

When the Department receives a wage match showing that a current client's income was substantially different than what the client had previously indicated, it issues a Wage Match Client Notice to the client to provide an opportunity to resolve the discrepancy. BAM 802 (July 2018), p. 2. If the verifications are not returned by the 30<sup>th</sup> day, case action will be taken to close the benefits case. BEM 802, p. 2.


The Department issued the Wage Match Client Notices on March 5, 2019 with a due date of April 4, 2019. Petitioner did nothing with them until she emailed them to the employer on April 26, 2019, more than three weeks after the deadline for completing them and submitting them to the Department. Petitioner's failure to take any action within the time limit for having the action completed was solely attributable to Petitioner. Accordingly, the Department acted in compliance with law and Department policy when it closed Petitioner's FIP cash assistance case, effective May 1, 2019, for failing to timely return the completed Wage Match Client Notice.

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 FIP cash assistance case, effective May 1, 2019.

**DECISION AND ORDER**

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

JM/cg

  
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**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 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 Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**Via Email:**

MDHHS-Wayne-76-Hearings  
B. Sanborn  
B. Cabanaw  
M. Holden  
D. Sweeney  
BSC4- Hearing Decisions  
MOAHR

**Petitioner – Via First-Class Mail:**

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