



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: May 21, 2019
MOAHR Docket No.: 19-003930
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 16, 2019, from Lansing, Michigan. The Petitioner personally appeared and testified, unrepresented. The Department of Health and Human Services (Department) was represented by Amber Gibson, Hearing Facilitator.

ISSUE

Did the Department properly process Petitioner's FAP case at redetermination?

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] 2019 Petitioner was mailed a redetermination packet. Included was an interview appointment for Petitioner's FAP yearly redetermination on February 1, 2019.
2. Petitioner failed to appear for the appointment and failed to contact the Department. On January 4, 2019 the Department issued a Notice of Missed Interview.
3. Petitioner failed to contact the Department and his FAP closed for failure to comply with the redetermination process on February 2, 2019 effective March 1, 2019.
4. On [REDACTED] 2019 Petitioner reapplied for FAP benefits.

5. On March 8, 2019 Petitioner was sent a verification checklist, and Petitioner was approved expedited benefits for March 2019 at \$154.00.
6. On April 4, 2019 Petitioner came into the lobby and notified the Department that he did not pay rent. On April 4, 2019 the Department removed the rent expense from Petitioner's FAP budget thereby reducing the FAP benefit to \$72.00.
7. On April 4, 2019 Petitioner filed a hearing request.

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, applicable policy to the issues herein are found primarily at BEM 554, 500-505. Corresponding federal regulations are found at 7 CFR 273.10. In addition, general application processing information is found in BAM 115 with corresponding federal regulations found at 7 CFR 273.2.

Here, Petitioner claims that he failed to return the verification packet and appear for his interview due to a funeral. While Petitioner had a good reason, there is no law or policy that would allow Petitioner to prevail when he failed to complete necessary verification(s) for the FAP program as required under federal and state law.

As to the reduction in benefits, the Department claims that Petitioner informed the Department that he did not have a rent expense. The Department removed the expense from the FAP budget thereby reducing Petitioner's allotment. At the hearing, Petitioner claimed he never informed the Department that he did not have a rent expense. However, Petitioner did not previously provide verification of rent. Nor did Petitioner have verification of rent at the administrative hearing. Petitioner is not entitled to benefits without verification required expenses and income. The State of Michigan can be subject to significant financial penalties for issuing any welfare benefits to individuals who have not established eligibility. Here, Petitioner received all that he was entitled. As such, the Department's actions must be upheld.


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 processed Petitioner's FAP case effective March 2019, and reduced benefits effective April 1, 2019.

DECISION AND ORDER

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

JS/nr



Janice Spodarek
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

DHHS

Amber Gibson
5303 South Cedar
PO BOX 30088
Lansing, MI
48911

Ingham County DHHS- via electronic mail

BSC2- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

[REDACTED]
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