



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: October 30, 2019
MOAHR Docket No.: 19-010407
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 October 24, 2019, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Heather Haviland, Lead Worker. Susan Trebilcock, Eligibility Specialist, also appeared and testified for the Department. Department Exhibit 1, pp. 1-8 was received and admitted.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) for failing to verify employment income?

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 a recipient of FAP benefit receiving \$15 per month.
2. On August 30, 2019, Petitioner submitted a mid-certification contact notice disclosing employment income of \$[REDACTED]
3. On September 5, 2019, a verification checklist was sent to Petitioner requesting the dates and amounts paid as well as the source of the employment income. Verification was due by September 16, 2019.
4. Petitioner failed to verify his employment income.

5. On September 17, 2019, a Benefit Notice was issued informing Petitioner that FAP will close effective October 1, 2019. The explanation states "Income information was not provided. WE needed to know who was employing [REDACTED] first pay date, how often paid, hourly pay rate, number of hours worked". (Ex. 1, pp. 7-8)
6. On [REDACTED] [REDACTED] [REDACTED] Petitioner requested hearing disputing the closure of FAP benefits.

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.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date; see Timeliness of Verifications in this item. Use the DHS-3503, Verification Checklist (VCL), to request verification.

Exception: For Food Assistance Program (FAP) only, if there is a system-generated due date on the verification form such as a DHS-3688, Shelter Verification, a verification checklist is not required to be sent with the verification form.

Use the DHS-3503C, Verification Checklist for Citizenship/Identity, to request documentation of citizenship or identity for FIP, SDA or MA determinations.

The client must obtain required verification, but the local office must assist if they need and request help.

If neither the client nor the local office can obtain verification despite a reasonable effort, use the best available information. If no evidence is available, use your best judgment.
BAM 130

In this case, Petitioner testified that he worked for cash doing odd carpeting and flooring jobs. Petitioner testified that it would be difficult for him to obtain the verification requested by the Department. Petitioner also testified that his social security income would be adjusted because he also reported the employment income to the Social Security Administration. Petitioner also questioned why his benefits were not reinstated pending the hearing because his request was filed within 10 days of the notice.

The Department asserted that the FAP benefits could not be reinstated pending the hearing because it closed as part of the recertification process. The Department stated that employment income has to be verified and Petitioner failed to do so, and policy required that his case close. Department policy BAM 130 requires that recipients verify information regarding an eligibility factor when it is unclear. That policy also requires Petitioner to obtain the information or show that they made a reasonable effort to obtain the verification. Petitioner failed to establish that he made a reasonable effort to verify his employment income. Therefore, the closure for failing to provide verifications was proper and correct.

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 case for failing to adequately verify employment income.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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

Karen Painter
388 Keith Wilhelm Dr.
Coldwater, MI
49036

Branch County DHHS- via electronic mail

BSC3- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

[REDACTED]
MI