



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: December 17, 2019
MOAHR Docket No.: 19-011549
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 hearing was held on December 11, 2019, from Lansing, Michigan. Petitioner appeared unrepresented. [REDACTED] appeared as a translator.

The Department of Health and Human Services (Department) was represented by Crystal Hackney, APS, and Corey Washington, ES worker.

The Department submitted and had admitted Exhibit A.38.

ISSUE

Did the Department properly close 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. At all relevant times prior to the negative action herein, Petitioner lives in a household with his spouse and two college age children.
2. On August 5, 2019, Petitioner was issued redetermination paperwork, which was returned, showing SSI for Petitioner of \$ [REDACTED] for Petitioner's spouse \$ [REDACTED] and an adult child who began working, with pay stubs of \$ [REDACTED] and \$ [REDACTED].
3. Verification of rent shows a residential lease for \$6,000.00 per year with payments of \$600.00 per month, executed on July 2, 2015, by the following individuals: Landlord [REDACTED], and [REDACTED]; and Tenant, [REDACTED]. Upon

inquiry as to the relevancy of this lease to Petitioner, Petitioner testified that he has changed his name, and that the landlord has changed his name. The Department has been using this verification for housing expenses budgeted at \$600.00 per month without realizing that the yearly amount and the monthly amounts are not consistent. Exhibit A.24

4. On October 14, 2019, Bridges issued a closure notice for FAP effective October 1, 2019, ongoing for multiple reasons, including excess assets, excess income, and failure of one of the adult children to meet FAP eligibility, due to student status policy.
5. On October 21, 2019, Petitioner filed a hearing request, stating he was unable to review the evidence, as no one in the household speaks English.

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.

Department policy is found primarily at BEM 400, 550, 554, 556, and 245. Corresponding federal regulations are found at 7 CFR 271.8; 273.10; 273.2; 273.11; 273.9; 273.5; 273.24, 273.1; and 273.7.

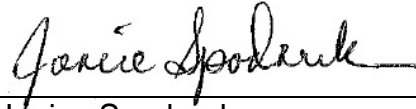
Here, the Department submitted multiple pages of FAP budgets, pay stub verifications, a lease contract, SSI SOLQ verifications, and multiple pages from Petitioner's last redetermination. Petitioner did not dispute any of the evidence of record. Petitioner testified that he was not happy with the closure. Petitioner's unhappiness will not suffice to meet his burden of proof.

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.

DECISION AND ORDER

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

JS/ml



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

DHHS

Linda Gooden
25620 W. 8 Mile Rd.
Southfield, MI 48033

Oakland County DHHS – Via Electronic
Mail

BSC4 – Via Electronic Mail

M. Holden – Via Electronic Mail

D. Sweeney – Via Electronic Mail

Petitioner

[REDACTED] – Via First Class Mail
[REDACTED] MI [REDACTED]