



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]

Date Mailed: January 23, 2020
MOAHR Docket No.: 19-013139
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge (ALJ) 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, an in-person hearing was held on January 15, 2020, from Detroit, Michigan. Petitioner was present with [REDACTED]. The Department of Health and Human Services (Department) was represented by Kevin Lowe, Eligibility Specialist and Santon Mason, Assistance Payments Supervisor.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefit case?

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 FAP recipient.
2. In [REDACTED] 2019, the Department reprocessed Petitioner's FAP benefit case as a result of a Hearing Decision issued by the Michigan Office of Administrative Hearings and Rules (MOAHR) (case number [REDACTED]). As a result, the Department discovered that Petitioner's son's income/employment had not been properly verified.
3. On October 25, 2019, the Department sent Petitioner a Wage Match Client Notice requesting verification of her son's income/employment (Exhibit A, pp. 22-24).

4. On November 27, 2019, Petitioner returned the Wage Match Client Notice (Exhibit A, pp. 25-26).
5. On December 11, 2019, the Department sent Petitioner a Notice of Case Action informing her that her FAP benefit case was closing effective June 1, 2019, ongoing (Exhibit A, pp. 27-30).
6. Petitioner submitted a request for hearing disputing the Department's actions.

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, Petitioner was an ongoing FAP recipient. On July 29, 2019, a hearing was conducted with MOAHR. The ALJ assigned to the matter issued a Hearing Decision on August 1, 2019, ordering the Department to issue FAP benefits to Petitioner for June 2019. As a result, the Department reprocessed Petitioner's FAP benefit case. Upon review of Petitioner's FAP benefit case, the Department discovered that Petitioner's son's income/employment had not been properly verified. The Department sent Petitioner a Verification of Employment on August 9, 2019, with a due date of August 19, 2019. The Department also sent Petitioner a Wage Match Client Notice on October 25, 2019, with a due date of November 25, 2019.

The Department routinely matches recipient employment data with the Michigan Talent Investment Agency (TIA) and the Unemployment Insurance Agency (UIA) through computer data exchange processes. BAM 802 (April 2017), p. 3. These data exchanges assist in the identification of potential current and past employment income. BAM 802, p. 1. The Department will request verification of income by sending a DHS-4638, Wage Match Client Notice. BAM 802, p. 2. The Department automatically gives the client 30 days to provide verification. BAM 802, p. 2. If verification is not returned by the 30th day, a case action will be sent to the client informing them of the closure of their benefit case. BAM 802, p. 2.

The Department presented Petitioner's electronic case file (ECF) (Exhibit A, p. 21). The ECF consists of scanned documents, arranged by category and identified by a client name, recipient ID or case number, established for a particular client group. BAM 300

(October 2016), p. 1. The ECF contains all forms, documents and other evidence to the group's current and past eligibility. BAM 300, p. 1. The ECF revealed Petitioner did not timely return the Wage Match Client Notice. The Department presented the Wage Match Client Notice that was returned by Petitioner subsequent to the due date, on November 27, 2019. The Department highlighted that the Wage Match Client Notice was completed by Petitioner, not the employer, as required. The Department testified that Petitioner did not return proper verification of her son's income/employment. As a result, the Department closed Petitioner's FAP benefit case effective June 1, 2019.

It should be noted that the Notice of Case Action states that Petitioner's FAP benefit case was closed effective June 1, 2019. The Department also provided Petitioner's eligibility summary showing she was not issued FAP benefits between June 1, 2019 and October 31, 2019 (Exhibit A, p. 31-32). However, Petitioner stated at the hearing that she was not disputing a loss of benefits between June 1, 2019 and October 31, 2019. Petitioner only wanted the undersigned ALJ to address the loss of benefits effective November 1, 2019, ongoing.

The Department presented sufficient evidence that Petitioner did not properly verify her son's income/employment. Petitioner did not timely submit proper verification of her son's income/employment, as the Wage Match Client Notice was completed by Petitioner, and not the employer, as required. Therefore, the Department acted in accordance with policy when it closed Petitioner's FAP benefit case.

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 Department policy when it closed Petitioner's FAP benefit case. Accordingly, the Department's decision is **AFFIRMED**.

EM/cg



Ellen McLemore

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

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



Via Email:

MDHHS-Wayne-31-Hearings
M. Holden
D. Sweeney
BSC4- Hearing Decisions
MOAHR

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

