



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: August 17, 2018  
MAHS Docket No.: 18-006832  
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 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 August 16, 2018, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Lashanda Warfield, Eligibility Specialist and Nicole Carey, Assistance Payments Supervisor.

**ISSUE**

Did the Department properly deny Petitioner's application for Food Assistance Program (FAP) benefits?

**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], 2018, Petitioner submitted an application for FAP benefits.
2. On June 11, 2018, the Department sent Petitioner a Verification Checklist (VCL) requesting various verifications, including her checking account (Exhibit A).
3. On June 26, 2018, the Department sent Petitioner a Notice of Case Action informing her that her application for FAP benefits was denied for her failure to submit verification of her checking account (Exhibit B).
4. On [REDACTED], 2018, 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 submitted an application for FAP benefits on [REDACTED], 2018. On June 11, 2018, the Department sent Petitioner a VCL requesting various verifications, including her checking account. Proofs were due on June 21, 2018.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (April 2017), p. 1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. For FAP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is required. BAM 130 (April 2017), p. 7. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 7. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. BAM 130, p. 7. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a Department representative are considered to be received the next business day. BAM 130, p. 7. The Department sends a negative action notice when: the client indicates a refusal to provide a verification OR the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 7.

The Department testified that Petitioner submitted all of the verifications requested, with the exception of the verification of her checking account. As a result, the Department sent Petitioner notice that her FAP application was denied on June 26, 2018 for her failure to submit the verification of her checking account.

Petitioner testified that she contacted her worker around the verification due date of June 21, 2018. Petitioner advised her worker that she no longer had the checking account. Petitioner's worker notified her that she needed to submit proof that the account was closed. Petitioner informed her worker that she would be late returning the verification, as the due date was within several days and she had just given birth to her child on [REDACTED], 2018.

The Department confirmed that Petitioner contacted her worker prior to the issuance of the notice denying her FAP application to state that she would not be able to timely submit the verification of the bank account. Petitioner submitted evidence that she did eventually submit the requested verification (Exhibit 1). The Department requested numerous verifications from Petitioner, all of which were submitted with the exception of the bank account. Petitioner then informed her worker that she would be unable to timely submit the verification of her bank account as the due date was closely approaching and she had just given birth to her child. It is evident that Petitioner made a reasonable effort to provide the verifications requested of her by the Department. Therefore, the Department did not act in accordance with policy when it denied Petitioner's FAP application.

### **DECISION AND ORDER**

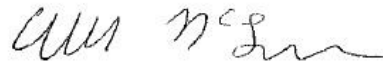
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied Petitioner's FAP application.

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate and reprocess Petitioner's [REDACTED], 2018 FAP application;
2. If Petitioner is eligible for FAP benefits, issue supplements she is entitled to received as of the date of the application; and
3. Notify Petitioner of its FAP decision in writing.

EM/cg



---

**Ellen McLemore**  
Administrative Law Judge  
for Nick Lyon, 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 Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS 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. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MAHS 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  
M. Holden  
D. Sweeney  
BSC4 – Hearing Decisions  
MAHS

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

████████████████████  
████████████████████  
████████████████████