



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: November 13, 2018
MAHS Docket No.: 18-008425
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 31, 2018, from Lansing, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearings Facilitator. During the hearing, a 40-page packet of documents was offered and admitted as Exhibit A, pp. 1-40.

ISSUE

Did the Department properly deny Petitioner's application for Food Assistance Program (FAP) benefits based on Petitioner's alleged failure to verify her assets?

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 July 5, 2018, Petitioner submitted to the Department an application for FAP benefits. Exhibit A, pp. 9-40.
2. On July 10, 2018, the Department issued to Petitioner a Verification Checklist (VCL) requesting information relevant to Petitioner's eligibility for FAP benefits, including Petitioner's [REDACTED] checking account and [REDACTED]. Petitioner was required to return the proofs by July 20, 2018. Exhibit A, pp. 5-6.

3. On July 17, 2018, Petitioner returned to the Department verifications related to her utility expenses. However, she did not provide any verifications related to either the [REDACTED] or [REDACTED] accounts.
4. On July 26, 2018, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her FAP application was denied for failing to return the requested verifications. Specifically, the Department claimed that Petitioner failed to provide verifications of her checking account and stock. Exhibit A, pp. 1-4.
5. On August 10, 2018, Petitioner submitted to the Department a request for hearing objecting to the Department's denial of her FAP application.

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.

Petitioner filed a hearing request in this matter to challenge the Department's denial of Petitioner's July 5, 2018, application for FAP benefits. The Department alleges that Petitioner failed to make a reasonable effort to return asset verifications relevant to Petitioner's eligibility for FAP benefits. Petitioner's position is that she in fact provided everything she needed to and that the Department was denying her application out of personal animus.

Verification of relevant, eligibility-related information is required at application. BAM 130 (April 2017), p. 1. For FAP, group asset information is highly relevant in determining eligibility for FAP. BEM 400 (May 2018), p. 1. To request verification of information, the Department sends a 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, p. 7. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 7. The Department sends a negative action notice when: (1) the client indicates a refusal to provide a verification OR (2) the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 7.

The Department's July 10, 2018, VCL requested statements concerning both a checking account held by Petitioner as well as stocks. The requested verifications had to be received by the Department by July 20, 2018.

After Petitioner received the VCL, she provided some of the requested information by the deadline. However, she did not provide the requested statements referenced above. Then, after receiving the Notice of Case Action denying her application, Petitioner provided some more documentation. Again, however, Petitioner failed to provide the verifications related to the two accounts referenced above. As of the time of the hearing request, Petitioner had not provided to the Department either of the verifications that were required to determine her eligibility.

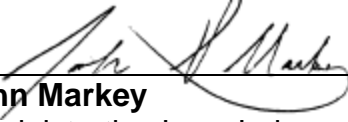
The Department may only send negative case action where an individual indicates a refusal to provide verification or the time limit for providing the verification has passed and the client has not made a reasonable effort to provide it. BAM 130, p. 7. The time limit passed on July 20, 2018. By that time, Petitioner had not made a reasonable effort to provide the information requested. As of the date of the August 10, 2018, hearing request, Petitioner still had not provided them. Based on the information, it is clear that Petitioner's effort to procure and provide the information prior to the deadline was not reasonable.

The Department, in denying Petitioner's application for FAP benefits, followed Department policy.

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 denied Petitioner's FAP application for failing to provide required verifications. Accordingly, the Department's decision is **AFFIRMED**.

JM/dh



John Markey
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

DHHS

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Wayne County (District 18), DHHS

BSC4 via electronic mail

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Petitioner

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