



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: August 27, 2020
MOAHR Docket No.: 20-005015
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On July 16, 2020, Petitioner, [REDACTED] requested a hearing to dispute the closure of her Food Assistance Program (FAP) benefits. This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on August 27, 2020. Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Verenie Davis, Supervisor, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 30-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits, effective August 1, 2020, for failing to provide requested information?

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 FAP recipient.
2. The Department received a new hire report that indicated that Petitioner was employed, and Petitioner had not reported her employment to the Department.
3. On June 24, 2020, the Department mailed a New Hire Client Notice to Petitioner with instructions for Petitioner to provide information about her employment at [REDACTED] and return it to the Department by July 6, 2020. The Notice stated,

“failure to provide this information by the due date will result in cancellation of your public assistance benefits.”

4. Petitioner received the Notice and called the Department to discuss it.
5. Petitioner spoke with her specialist at the Department and advised that she was not employed. Petitioner explained that she went to orientation at [REDACTED] and declined the job after orientation. Petitioner offered to send a copy of her check stub for her orientation after she received it, but the Department told Petitioner that was not necessary.
6. On July 1, 2020, the Department documented that it told Petitioner she must return the New Hire Client Notice.
7. Petitioner did not return the completed New Hire Client Notice to the Department by July 6, 2020.
8. On July 7, 2020, the Department mailed a Notice of Case Action to Petitioner to notify her that her FAP benefits were going to be closed, effective August 1, 2020, because she failed to provide requested information.
9. On July 16, 2020, Petitioner requested a hearing to dispute the closure of her 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) 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 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, the Department closed Petitioner’s FAP benefits after Petitioner failed to return a completed New Hire Client Notice as instructed. The Department routinely matches data from FAP benefit recipients with other agencies, including the National Directory of New Hires, through automated computer data exchanges. BAM 813 (October 1, 2018), p. 1. The National Directory of New Hires is a monthly exchange that matches data from FAP benefit recipients with new hire data. *Id.* When a FAP benefit recipient is found to have new hire data and the FAP benefit recipient has not reported the employment to the Department, the Department must request verification from the FAP benefit recipient. *Id.* The FAP benefit recipient has 10 days to provide verification.

Id. If verification is not provided within 10 days, then the Department must close the FAP benefit recipient's case. *Id.* at 2.

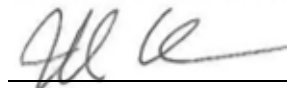
Petitioner did not present sufficient evidence to establish that the Department did not properly close her FAP benefits for failing to return the completed New Hire Client Notice as instructed. It is undisputed that Petitioner received the Notice and did not return it within 10 days as instructed. Although Petitioner asserted that she thought she did not have to return the Notice, Petitioner knew or should have known she was required to complete the Notice and return it because the Notice clearly stated it must be returned or else her FAP benefits would close, and the Department told Petitioner on July 1, 2020, that she must return it.

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 act in accordance with its policies and the applicable law when it closed Petitioner's FAP benefits, effective August 1, 2020, for failing to provide requested information.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/ml



Jeffrey Kemm
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

Kimberly Kornoelje
Kent (Dist 1) County DHHS – via
electronic mail

BSC3 – via electronic mail

M. Holden – via electronic mail

D. Sweeney – via electronic mail

Petitioner

[REDACTED] – via first class mail
[REDACTED]
MI [REDACTED]