



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: September 20, 2017
MAHS Docket No.: 17-010684
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, a telephone hearing was held on September 18, 2017, from Detroit, Michigan. Petitioner was present and represented herself. Petitioner's Community Care Services case manager, Donna Moore, was also present. The Department of Health and Human Services (Department) was represented by Anthony Couls, Assistance Payments Worker/Hearing Coordinator.

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. On May 18, 2017, Petitioner advised the Department that she had moved and that her [REDACTED]-year-old daughter was living with her in her home.
2. On May 19, 2017, the Department sent Petitioner a Verification Checklist (VCL) requesting various proofs, including verification of her daughter's income from employment and checking account (Exhibit B, pp.1-2).
3. On May 25, 2017, Petitioner submitted a lease agreement and one of her daughter's pay statements from [REDACTED] (Exhibit C, pp. 1-5).

4. On May 30, 2017, the Department sent Petitioner another VCL requesting verification of Petitioner's daughter's bank statement and income for the past 30 days (Exhibit D, pp. 1-2).
5. On June 13, 2017, the Department received a letter from Petitioner's daughter indicating that she was no longer living with her mother (Exhibit F).
6. On June 14, 2017, the Department sent Petitioner a third VCL requesting verification of Petitioner's daughter's new address (Exhibit G, pp. 1-2).
7. On June 19, 2017, Petitioner submitted a Certificate of No Fault Insurance for her daughter (Exhibit H).
8. On July 10, 2017, the Department sent Petitioner a Notice of Case Action notifying her that her FAP benefit case was being closed, effective August 1, 2017, for her failure to verify her daughter's earned income and bank account information.
9. On August 8, 2017, the 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 notified the Department on May 19, 2017, that she had moved and was living with her ■-year-old daughter, who had income from employment. Petitioner was previously a group size of one. Parents and their children under 22 years of age who live together must be in the same group. BEM 212 (January 2017), p. 1. Therefore, Department properly added Petitioner's daughter as a member of her FAP group.

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 to provide the verification that is required. BAM 130, p. 7. Because of the reported change regarding Petitioner's

address and group size, the Department sent Petitioner a VCL on May 19, 2017, requesting verification of her rent and her daughter's income from employment and bank account information. The proofs were due to be returned on May 30, 2017.

On May 25, 2017, Petitioner submitted a lease contract that listed herself and her daughter as parties to the lease. Petitioner also submitted one of her daughter's pay statements from [REDACTED] that was issued on April 25, 2017, for the pay period of April 5, 2017, through April 18, 2017. Petitioner did not submit verification of her daughter's bank account.

On May 30, 2017, the Department sent Petitioner another VCL. The VCL requested verification of Petitioner's daughter's bank account, as it had not been received, as well as additional pay statements from her daughter's employment, because Petitioner initially did not submit 30 days-worth of earnings statements for her daughter. The proofs were due to be returned on June 9, 2017.

On June 13, 2017, the Department received a communication from Petitioner's daughter stating that she no longer lived with her mother. The Department issued a third VCL on June 14, 2017, requesting that Petitioner submit verification of her daughter's new address. On June 19, 2017, the Department received a Certificate of No Fault Insurance for Petitioner's daughter, indicating that she lived at a different address than her mother. The Department considered the document to be insufficient to establish residency and continued to include Petitioner's daughter in her FAP group.

The Department did not receive an acceptable form of verification that Petitioner's daughter no longer lived in her home. As a result, the Department continued to include Petitioner's daughter as a member of her group. The Department also never received the verifications of Petitioner's daughter's bank account and additional pay statements that were requested in the May 30, 2017, verification. As a result, the Department sent Petitioner a Notice of Case action on July 10, 2017, informing her that her FAP benefit case was being closed, effective August 1, 2017, for her failure to submit verification of her daughter's income from employment and bank account information.

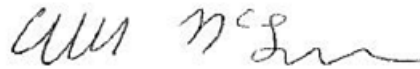
The Department properly concluded that Petitioner failed to verify her daughter's residency. Department policy sets forth acceptable verification sources for residency in FAP cases. Acceptable verification of an address includes: driver's license, other ID which provides a name and address, mortgage or rent receipt, utility bill, or collateral contact with a person who knows the individual's living arrangement. BEM 220 (January 2016), p. 7. As Petitioner failed to submit the requisite verification to establish that her daughter was no longer living in her home, the Department correctly considered Petitioner's daughter to be a member of the FAP group.

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. 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 MDHHS 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 provided sufficient evidence to establish Petitioner failed to return all requested verifications. Therefore, the Department acted in accordance with policy when closing Petitioner's FAP case, effective August 1, 2017.

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 case, effective August 1, 2017. Accordingly, the Department's decision is **AFFIRMED**.



EM/jaf

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) 335-6088; 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

MDHHS-Wayne-18-Hearings

Petitioner



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