



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
DETROIT

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: October 3, 2017
MAHS Docket No.: 17-011364
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 28, 2017, from Detroit, Michigan. Petitioner was present and represented herself. Petitioner was also present with her sister, [REDACTED]. The Department of Health and Human Services (Department) was represented by April Williams, 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. On July 3, 2017, Petitioner was sent a Verification Checklist (VCL) (Exhibit B) and a Verification of Assets form (Exhibit C).
3. On July 28, 2017, the Department sent Petitioner a Notice of Case Action informing her that her FAP benefit case was being closed, effective August 1, 2017, ongoing, for her failure to submit required verifications.
4. On August 25, 2017, Petitioner submitted a Request for Hearing disputing the Department's actions regarding her FAP benefit case.

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.

Pursuant to a Redetermination, the Department retrieved Petitioner's SOLQ report to verify her unearned income (Exhibit A). The SOLQ report indicated that Petitioner was receiving her Retirement, Survivors, and Disability Insurance (RSDI) payments via direct deposit into a checking account. As a result, the Department sent Petitioner a VCL requesting verification of her checking account on July 3, 2017 (Exhibit B). Proofs were due by July 13, 2017.

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 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. 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.

Petitioner failed to submit verification of her checking account by July 13, 2017. As a result, the Department sent Petitioner a Notice of Case Action on July 28, 2017, informing her that her FAP benefit case was being closed, effective August 1, 2017, ongoing, for her failure to submit verification of her checking account (Exhibit D).

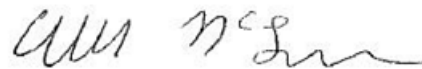
Petitioner testified that she does not have an active checking account. Petitioner stated she had previously received her RSDI benefits in the form of a physical check sent through the mail. At the Prehearing Conference that was scheduled on [REDACTED], 2017, the Petitioner informed the Department that she had created a checking account on August 24, 2017, and began receiving her RSDI benefits via direct deposit. Petitioner presented the Department with a letter from the Social Security Administration (SSA) (Exhibit E). In the letter, the SSA states that Petitioner's direct deposit information has been changed and that she should keep the old account open until payment is sent to the new account. This language indicates Petitioner was receiving her RSDI benefits via direct deposit into a checking account. The letter from the SSA coupled with the

information on the SOLQ report shows that Petitioner did have an active checking account at the time the VCL was sent on July 3, 2017. Petitioner failed to submit verification of her checking account by the due date of July 13, 2017. Therefore, the Department acted in accordance with policy when it closed Petitioner's FAP benefits case effective August 1, 2017, ongoing.

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 effective August 1, 2017, ongoing.

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-76-Hearings

Petitioner



BSC4
M Holden
D Sweeney
E McLemore
MAHS