



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: December 19, 2017
MAHS Docket No.: 17-011760
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on November 28, 2017, from Lansing, Michigan. The Petitioner was represented by her attorney, Philip Navarre. Petitioner and [REDACTED], testified on her behalf. The Department was represented by Assistance Attorney General Emanuel Awuta-Coker. Don Baibak, Family Independence Manager, and Tony Lewis, Family Independence Specialist, testified for the Department.

ISSUE

Did the Department of Health and Human Services (Department) properly closed Petitioner's Family Independence Program (FIP) and 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. Petitioner was an ongoing Family Independence Program (FIP) and Food Assistance Program (FAP) recipient on July 26, 2017, when the Department received a Change Report (DHS-2240) with notice that Petitioner and her children had moved in with [REDACTED]. Exhibit A.
2. On August 8, 2017, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of the countable income and assets of [REDACTED] by August 18, 2017. Exhibit B.

3. On August 16, 2017, the Department received a letter from [REDACTED] and the Department credibly determined that [REDACTED] had refused to provide verification of his assets and income. Exhibit C.
4. On August 23, 2017, the Department notified Petitioner that her Family Independence Program (FIP) and Food Assistance Program (FAP) benefits would close effective October 1, 2017. Exhibit D.
5. On September 8, 2017, the Department received Petitioner's request for a hearing protesting the closure of Family Independence Program (FIP) and Food Assistance Program (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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

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.

When cash assistance is requested for child under age 18, the child's legal parents are mandatory benefit group members. Department of Health and Human Services Bridges Eligibility Manual (BEM) 210 (April 1, 2017), p 5.

Parents and their children under 22 years of age who live together must be in the same benefit group. Department of Health and Human Services Bridges Eligibility Manual (BEM) 212 (January 1, 2017), p 1.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (October 1, 2016), p 8.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (April 1, 2017), pp 1-10.

Petitioner was an ongoing FAP and FIP recipient when she reported to the Department on July 26, 2017, that she and her children were living in the home of [REDACTED], the father of Petitioner's daughter. Petitioner did not dispute her relationship to [REDACTED] during the hearing. On August 8, 2017, the Department requested verification of the countable income and assets of [REDACTED], a mandatory member of Petitioner's FIP and FAP benefit groups.

[REDACTED] responded to the Department's request for information necessary to accurately determine Petitioner's eligibility for ongoing benefits by submitting a letter that the Department credibly determined to be a refusal to provide the requested information.

[REDACTED] testified that he received intermittent self-employment, which consisted primarily of performing tasks for a neighbor, and that there was limited documentation available for him to obtain.

However, no evidence was presented on the record that [REDACTED] or Petitioner requested an extension to the deadline to obtain the requested information, or that they requested assistance to obtain sufficient documentation.

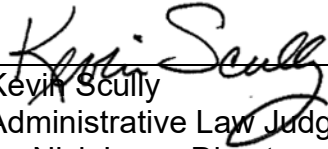
On August 23, 2017, the Department notified Petitioner that her FIP and FAP benefits would close effective October 1, 2017, for failure to provide the Department with information necessary to determine her eligibility to receive ongoing benefits.

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 Family Independence Program (FIP) and Food Assistance Program (FAP) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
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

Denise Croff
301 E. Louis Glick Hwy.
Jackson, MI
49201

Jackson County DHHS- via electronic mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

G. Vail- via electronic mail

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