



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: January 9, 2018
MAHS Docket No.: 17-014505
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 December 11, 2017, from Lansing, Michigan. The Petitioner represented herself. The Department was represented by Cheryl Watkins and Tiara Woody.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's 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. On [REDACTED], 2017, the Department received Petitioner's application for Food Assistance Program (FAP), Medical Assistance (MA), State Emergency Relief (SER), and cash assistance. Exhibit A, p 17.
2. On September 21, 2017, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of her bank accounts by October 2, 2017, due date. Exhibit A, p 4.
3. On October 2, 2017, the Department received a [REDACTED] bank statement. Exhibit A, pp 7-8.
4. On October 4, 2017, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits effective November 1, 2017. Exhibit A, p 11.

5. On October 26, 2017, the Department received Petitioner's request for a hearing.

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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

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.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

Assets means cash, any other personal property and real property. Real property is land and objects affixed to the land such as buildings, trees and fences. Condominiums are real property. Personal property is any item subject to ownership that is not real property. Countable assets cannot exceed the applicable asset limit. An asset is countable if it meets the availability tests and is not excluded. Available means that someone in the asset group has the legal right to use or dispose of the asset. Department of Human Services Bridges Eligibility Manual (BEM) 400 (January 1, 2018), pp 1-7.

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 1-9.

On September 18, 2017, the Department received Petitioner's application for cash assistance, MA benefits, SER benefits, and FAP benefits. At her December 11, 2017, Administrative hearing, Petitioner testified on the record that she was no longer protesting the Department's actions with respect to cash assistance, SER benefits, or MA benefits. Therefore, Respondent's request for a hearing is dismissed with respect to cash assistance, SER benefits, and MA benefits only.

On September 21, 2017, the Department requested that Petitioner provide verification of her bank accounts by October 2, 2017, in order to accurately determine her countable assets, which is an eligibility requirement for FAP benefits.

On October 2, 2017, Petitioner provided a copy of a statement for PNC bank,

On October 4, 2017, the Department notified Petitioner that she was not eligible for FAP benefits effective November 1, 2017, for failure to provide the Department with information necessary to determine her eligibility to receive benefits. The Department was aware of bank accounts possessed by Petitioner at [REDACTED] bank, and no verification of accounts at that bank, or that the accounts were closed, was received by the Department in a timely manner.

Petitioner testified that the Department had not provided in its hearing exhibits, a complete record of the documents she submitted by October 2, 2017. Petitioner was allowed to submit additional documents to be entered into the hearing record. The Department was allowed to submit additional records into the hearing record.

Based on the evidence and testimony available during the hearing, the hearing record supports a finding that Petitioner failed to submit documentation of bank accounts available to her at [REDACTED] bank. Since it is a requirement of receiving FAP benefits to provide verification of all available cash assets, the Department was acting in accordance with policy when it closed Petitioner's FAP benefits.

Petitioner testified that the worker assigned to her is unprofessional and has prevented her from becoming eligible for benefits she is entitled to.

A complaint as to alleged misconduct or mistreatment by a state employee shall not be considered through the administrative hearing process, but shall be referred to the department personnel director. Mich Admin Code, R 792.11002.

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 Food Assistance Program (FAP) benefits effective November 1, 2017.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED** with respect to the closure of Food Assistance Program (FAP) benefits.

Petitioner's hearing request is therefore **DISMISSED** at Petitioner's request with respect to cash assistance, Medical Assistance (MA), and State Emergency Relief (SER) benefits only.

IT IS SO ORDERED.

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

Summer Wheeler
22 Center Street
Ypsilanti, MI
48198

Washtenaw County DHHS- via electronic
mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

M. Best- via electronic mail

EQAD- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Petitioner

[REDACTED]