



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: July 19, 2018
MAHS Docket No.: 18-006231
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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, an administrative hearing was held on July 18, 2018, from Lansing, Michigan. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by Adam Slate, Hearings Facilitator.

ISSUE

Did the Department properly close Petitioner's Supplemental Nutrition Assistance Program (SNAP) or 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. At all relevant times, Petitioner has been a beneficiary of the FAP program.
2. On April 2, 2018 a Semi-Annual Contact Report was mailed to Petitioner requesting among other verifications, whether Petitioner's income had changed. Petitioner returned the form indicating no changes along with an incomplete phone number. Exhibit A.2-3.
3. On May 3, 2018 the Respondent's consolidated income inquiry revealed that Petitioner's income was over \$100 more per month than previously budgeted. Following, the Respondent issued a Verification Checklist requesting income verifications for 30 days, with a May 14, 2018 due date. Exhibit A.1.
4. On May 31, 2018 Petitioner returned income verification for 7 days.

5. On May 22, 2018 the Respondent issued a Notice of Case Action informing Petitioner that her FAP benefits will close from June 1, 2018 and continuing due to Petitioner failing to return requested verifications. Exhibit A.7-8.
6. On June 8, 2018 Petitioner filed a 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 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 all eligibility determinations, the applicant, here Petitioner, has the burden of proof by a preponderance of evidence.

The FAP program is a 70-billion-dollar program for fiscal year 2017, which attempts to supplement approximately 43-60% of a person's dietary needs.

Specific to the case here, program policy items are found in BAM 105-830; BEM 100-800.

Federal and state law mandates that before welfare benefits are issued, the recipient's file must contain current and accurate verifications to substantiate eligibility criteria. The State of Michigan can be subject to substantial financial penalties for failure to comply with this mandate. Included in this mandate are income verifications supporting eligibility used in calculating FAP budgets.

Here, Petitioner argues that the Respondent failed to issue notice in a sufficient amount of time to have the USPS forward the mail to her post office box. However, Petitioner offered no authority that would require the Respondent to issue mail with enough time to account for the USPS to forward the mail, even if the Respondent was aware of the same. Such is outside the purview of the policies of the DHHS.

In the alternative, Petitioner argues that when she informed the Department of a PO Box, the Department failed to issue mail to the PO Box. Petitioner specifically referred to a letter mailed after the action taken herein. As such, this reviewing forum has no jurisdiction to consider evidence not in existence at the time the Respondent took its action.

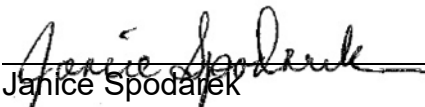
Petitioner also argues that the Respondent closed her case even though she returned the requested verifications late. However, Petitioner offered no policy or law that would entitle her to prevail under these facts. Petitioner acknowledges that the verifications were late.

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 evidence of record supports the actions taken by the Respondent and thus, the closure must be upheld. Petitioner has not met her burden of proof and the Respondent has acted in accordance with Department and federal law and policy.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

JS/nr



Janice Spodarek
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) 763-0155; 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

Renee Olian
322 Stockbridge
Kalamazoo, MI
49001

Kalamazoo County DHHS- via electronic
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BSC3- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

