



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: August 15, 2018
MAHS Docket No.: 18-007383
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's July 13, 2018 hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, 45 CFR 205.10, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on August 15, 2018, from Lansing, Michigan. [REDACTED] Petitioner, and [REDACTED] Petitioner's mother, appeared for Petitioner. Julie McLaughlin, Family Independence Manager, and Diane Jenkins, Family Independence Specialist, appeared for the Department.

One exhibit was admitted into evidence during the hearing. A 9-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUES

Did the Department properly deny Petitioner's application for cash assistance (FIP)?

Did the Department properly close Petitioner's case for food assistance (FAP)?

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] 2018, Petitioner applied for assistance from the Department, including FIP and FAP benefits.
2. The Department approved Petitioner for expedited FAP benefits and issued her benefits while it was reviewing her case.
3. On June 18, 2018, the Department sent a Verification Checklist to Petitioner which instructed Petitioner to provide proof of pregnancy and bank statements by June

28, 2018. The Verification Checklist stated, "You must get the proofs to me or call me by the due date above. If you do not, your benefits may be denied, decreased or cancelled."

4. On June 22, 2018, Petitioner called the Department and notified it that she obtained a job at [REDACTED]. The Department advised Petitioner that she did not have to attend PATH since she obtained employment.
5. On June 28, 2018, Petitioner worked her first day at [REDACTED].
6. On July 9, 2018, the Department issued a Notice of Case Action which notified Petitioner that her request for FIP benefits had been denied for failure to attend PATH and that her FAP benefits had been closed for failure to provide her bank statements.
7. On July 11, 2018, the Department received Petitioner's proof of pregnancy and her first paycheck stub.
8. On [REDACTED] Petitioner filed a hearing request to dispute the Department's decision to deny her FIP benefits and close her 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.

Clients must cooperate with the Department in determining eligibility, including the completion of all necessary forms. BAM 105 (January 1, 2018), p. 9. Clients must take actions within their abilities to obtain verifications. BAM 105, p. 14. The Department must tell a client what verification is required, how to obtain it, and the due date. BAM 130 (April 1, 2017), p. 3. The Department must allow the client 10 calendar days to

provide requested verification. BAM 130, p. 7. The client must obtain the verification, but the local office must assist if the client needs it and asks for help. BAM 130, p. 3. Verifications are only considered timely if they are received by the due date. BAM 130, p. 7. The Department must send a Negative Action Notice when the due date lapses and the client has not made a reasonable effort to provide the requested verification. BAM 130, p. 7.

Here, the Department's Notice of Case Action stated that it denied Petitioner's request for FIP benefits for her failure to attend PATH. The Department should not have denied Petitioner's request for FIP benefits for her failure to attend PATH because Petitioner obtained employment and the Department told her she did not have to attend PATH. The Department testified that it also denied Petitioner's request for FIP benefits for her failure to provide requested verifications, but it was not listed on the Notice because the Department only lists one reason on the notice.

The Department sent Petitioner a Verification Checklist which instructed Petitioner what verification was required, how to obtain it, and the due date. It was Petitioner's responsibility to obtain the requested verification and to make sure the Department received it by the due date. Petitioner failed to provide the requested verification by the due date, so the Department properly issued a Notice of Case Action which denied Petitioner's request for FIP benefits and closed her FAP benefits.


Petitioner testified that she returned the requested verification by the due date, but Petitioner also provided testimony which conflicted with this assertion. Petitioner's due date was June 28, 2018, and Petitioner testified that she returned all requested verification – including her first paycheck stub from the job she started on June 28, 2018 – by the due date. It would have been impossible for Petitioner to return the requested verification by the due date if it included her first paycheck stub because she would not have received her first paycheck stub until after the due date.

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 did act in accordance with its policies and the applicable law when it issued its July 9, 2018, Notice of Case Action which denied Petitioner's request for FIP benefits and closed her FAP benefits.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/nr



Jeffrey Kemm
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

Lynne Greening
2700 Baker Street
PO Box 4290
Muskegon Heights, MI
49444

Muskegon County DHHS- via electronic
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BSC3- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

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Petitioner

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