



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: October 11, 2018
MAHS Docket No.: 18-007661
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 6, 2018, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Mariah Schaefer, Family Independence Manager (FIM).

ISSUE

Did the Department properly process the Petitioner's May 29, 2018 application for Food Assistance Program (FAP) and Family Independence Program (FIP)?

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, the Petitioner applied for FIP and FAP. Department Exhibit 1, pgs. 4-22.
2. On May 29, 2018, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, that was due on June 8, 2018, for the Petitioner to provide written verification of her checking account for verification of assets. Department Exhibit 1, pgs.24-26.
3. On June 22, 2018, the Department received a letter from [REDACTED] stating that the Petitioner has not signed, which did not give consent by the authorized signer. Department Exhibit 1, pgs. 27-31.

4. On June 27, 2018, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that her application for FIP and FAP were denied because of verification of bank checking account was not returned by the due date. Department Exhibit 1, pgs. 32-35.
5. On July 9, 2018, the Department received a bank statement from [REDACTED]. Department Exhibit 1, pg. 36.
6. On July 9, 2018, the Department received a hearing request from the Petitioner, contesting the Department's negative action.
7. On July 13, 2018, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that her application for FAP was approved retroactive to July 9, 2018 for a household group of two returned by the due date. Department Exhibit 1, pgs. 37-40.

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.

In this case, the Petitioner applied for FIP and FAP on [REDACTED], 2018. Department Exhibit 1, pgs. 4 -22. On May 29, 2018, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, that was due on June 8, 2018, for the Petitioner to provide written verification of her checking account for verification of assets. Department Exhibit 1, pgs. 24-26. On June 22, 2018, the Department received a letter from Chemical Bank stating that the Petitioner has not signed, which did not give consent by the authorized signer. Department Exhibit 1, pgs. 27-31.

According to the case notes, the Petitioner called the Department Caseworker to check the status of her application. She was told that her checking account verification was

not received. The Petitioner stated that she would have the bank refax. The Department Caseworker called the Petitioner and informed her that the Bank could not provide the required verification without her signature on the form. The Petitioner stated that she would have them refax the verification of her checking account. Department Exhibit 1, pgs. 23 and 26.

On June 27, 2018, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that her application for FIP and FAP were denied because of verification of bank checking account was not returned by the due date. Department Exhibit 1, pgs. 32-35. On July 9, 2018, the Department received a bank statement from [REDACTED]. Department Exhibit 1, pg. 36. On July 13, 2018, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that her application for FAP was approved retroactive to July 9, 2018 for a household group of 2. Department Exhibit 1, pgs. 37-40. BAM 115, 130, and 220. BEM 210, 212, 400, 500, 550, and 554.

This Administrative Law Judge finds that the Petitioner failed to provide her written verification of her checking account by the due date of June 8, 2018. As a result, the Petitioner's application for FIP and FAP was denied. Since the required banking verification was received on July 9, 2018, the FAP application was able to be processed retroactively to July 9, 2018 when the required verification was received. The FIP application was denied and the Petitioner will have to reapply.

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 denied the Petitioner's FIP and FAP application because she failed to submit written verification of checking account. The FAP application was able to be subsequently processed because the checking account verification was received within 60 days on July 9, 2018.

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



CF/nr

Carmen G. Fahie
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

Mariah Schaefer
3255 122nd Ave Ste 300
Allegan, MI
49010

Allegan County DHHS- via electronic mail

BSC3- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

G. Vail- via electronic mail

B. Cabanaw- via electronic mail

Petitioner

[REDACTED]
[REDACTED], MI