



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

Date Mailed: September 26, 2018
MAHS Docket No.: 18-008634
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 September 20, 2018, from Lansing, Michigan. Petitioner appeared and testified. [REDACTED], Petitioner's daughter, appeared as a witness and translator without objection from the Department. The Department of Health and Human Services (Department) was represented by Juanita Munoz, Hearings Facilitator.

ISSUE

Did the Department properly calculate 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 Food Assistance Program.
2. On June 18, 2018, Petitioner reapplied for FAP benefits.
3. The Department FAP budget shows that the Department budgeted \$750.00 in SSI benefits, and, \$0 in shelter expenses. In conjunction with the application, the Department had requested verification of shelter which Petitioner did not return.

4. Petitioner does not dispute the facts.
5. On August 20, 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 budget calculations used in calculating FAP budgets.

Here, Petitioner does not dispute the facts. Specifically, Petitioner acknowledged that the gross SSI income is \$750.00. Petitioner further acknowledged that she did not timely return the requested shelter/rent verification.

The purview of an administrative law judge is to review the evidence of record, and to make a determination if the evidence supports the action taken by the Respondent. It is noted moreover, that The State of Michigan is under strict federal mandates to ensure that a beneficiary's file contain all required verifications to support eligibility for all welfare programs.

Here, the Respondent followed its policy and procedure in requesting verification(s). Evidence shows that Petitioner failed to timely deliver the shelter verification and thus,

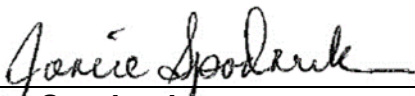
the Department was required to calculate Petitioner's eligibility without budgeting rent. This resulted in Petitioner's FAP benefits to be reduced to \$15.00.

Petitioner understands that if/when she provides the necessary verification, then the Department can adjust the budget to allow for the expense. However, as to the facts at issue here, Petitioner was informed of the necessity of the rent verification; Petitioner failed to return the requested verification. As Petitioner has the burden of proof, Petitioner cannot prevail. As such, based on the record established in this matter and the applicable law, the Department's decision must be upheld.

DECISION AND ORDER

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

JS/hb



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

Jeanette Cowens
2524 Clark Street
Detroit, MI 48209

Wayne County (District 41), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]