



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: October 18, 2018
MAHS Docket No.: 18-009533
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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 October 17, 2018, from Lansing, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Jennifer Sabo, Assistance Payments Supervisor. During the hearing, a 22-page packet of documents was offered and admitted as Exhibit A, pp. 1-22.

ISSUE

Did the Department properly deny Petitioner's application for Food Assistance Program (FAP) benefits because of Petitioner's alleged failure to timely provide requested verifications related to assets, income, and employment?

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 submitted to the Department an application for FAP benefits with a group of one. Exhibit A, pp. 11-19.
2. On August 21, 2018, the Department issued to Petitioner a Verification Checklist (VCL) requesting information relevant to Petitioner's eligibility for FAP benefits, including his assets, income, employment status, and expenses. The information was due by August 31, 2018. Exhibit A, pp. 9-10.

3. On August 24, 2018, the Department issued to Petitioner a Notice of Case Action informing Petitioner that he was approved for FAP benefits of \$68 for the period from August 21, 2018, through August 31, 2018, and \$192 for the period from September 1, 2018, through September 30, 2018. Exhibit A, pp. 10-27.
4. On September 4, 2018, the Department issued to Petitioner a Notice of Case Action informing Petitioner that his FAP application was denied effective October 1, 2018, for failing to return requested verifications. Specifically, the Department claimed that Petitioner failed to provide verifications related to Petitioner's checking account, loss of employment, and earned income. Exhibit A, pp. 1-4.
5. On [REDACTED] 2018, Petitioner submitted to the Department a request for hearing objecting to the Department's denial of his FAP application.

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.

Petitioner filed a hearing request in this matter to challenge the Department's denial of Petitioner's [REDACTED], 2018, application for FAP benefits. The Department alleges that Petitioner failed to make a reasonable effort to return verifications relating to FAP assets, income, or employment. Petitioner's position is that while he did not provide the requested verifications, his failure was attributable to his former employer's reticence to provide the information required from them.

Verification of relevant, eligibility-related information is required at application. BAM 130 (April 2017), p. 1. For FAP, group asset, income, and employment information is highly relevant in determining eligibility for FAP. BEM 400 (May 2018), p. 1; BEM 500 (July 2017), p. 2; BEM 501 (October 2018), p. 1. To request verification of information, the Department sends a VCL which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. For FAP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is required. BAM 130, p. 7. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 7. The Department sends a negative action notice

when: (1) the client indicates a refusal to provide a verification OR (2) the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 7.

The Department's August 21, 2018, VCL requested statements concerning a checking account held by Petitioner, information related to Petitioner's recent loss of employment, and paystubs from the previous 30 days before the date of application. The requested verifications had to be received by the Department by August 31, 2018.

When Petitioner received the VCL, he attempted to gather the information related to his loss of employment. However, according to Petitioner's testimony, his former employer was unhappy about Petitioner's separation from employment and refused to provide the required information. Petitioner was planning on submitting all the requested information together. So, when he was unable to gather the loss-of-employment-related information, he became discouraged and failed to return to the Department any of the requested information. Thus, as of the time of the hearing, Petitioner had not provided to the Department any of the verifications required to determine his eligibility.

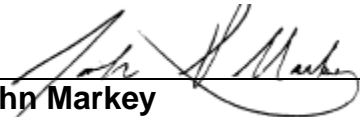
The Department may only send negative case action where an individual indicates a refusal to provide verification or the time limit for providing the verification has passed and the client has not made a reasonable effort to provide it. BAM 130, p. 7. The time limit passed on August 31, 2018. By that time, Petitioner had not made a reasonable effort to provide the information requested nor had he communicated with the Department in any way. Based on the information, it is clear that Petitioner's effort to procure and provide the information prior to the deadline was not reasonable.

The Department, in denying Petitioner's application for FAP benefits, followed Department policy.

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 Petitioner's FAP application for failing to provide required verifications. Accordingly, the Department's decision is **AFFIRMED**.

JM/dh



John Markey
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

Eileen Asam
701 S. Elmwood Suite 19
Traverse City, MI 49684

Grand Traverse County, DHHS

BSC1 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]