



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: December 7, 2018
MAHS Docket No.: 18-010776
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a hearing was held in person in Lansing on December 5, 2018. Petitioner, ██████ ██████ (formerly known as ██████ ██████) appeared and represented herself. Eligibility Specialist, Shanna Ward, appeared and represented the Department. Neither party had any additional witnesses.

Two exhibits were admitted into evidence during the hearing. A 67-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A, and two email threads were admitted as Petitioner's Exhibit 1.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefit?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner has a household size of 6, and Petitioner is the sole source of income for her household.
2. On July 28, 2018, Petitioner began receiving short-term disability benefits from her employer in the gross amount of \$██████████ per week.
3. On ██████████ 2018, Petitioner applied for FAP benefits for her household. Petitioner submitted files containing copies of her paycheck information to the Department with her application. Petitioner then provided her caseworker with a

password to access her paycheck information on the files she provided to the Department.

4. On August 14, 2018, the Department issued a Verification Checklist to Petitioner to obtain additional information from Petitioner to determine her household's eligibility for FAP benefits. The checklist instructed Petitioner what documentation to provide and to provide it by August 24, 2018.
5. On August 23, 2018, Petitioner's spouse delivered documents to the Department at its office. Petitioner's spouse delivered three separate bank statements, including one for Petitioner's daughter, [REDACTED] which did not have a name on it.
6. On September 5, 2018, the Department issued a Notice of Case Action which notified Petitioner that her request for FAP benefits was denied because she failed to provide requested information. The Department decided to issue its denial in part because Petitioner did not provide copies of her paycheck information with her documentation and because one bank statement did not have a name on it.
7. On September 11, 2018, Petitioner's short-term disability payments ceased.
8. On September 14, 2018, Petitioner attempted to submit the additional requested verification to the Department. The Department did not receive Petitioner's information because it was inadvertently emailed to the incorrect email address.
9. On September 25, 2018, Petitioner successfully resubmitted the additional requested verification to the Department.
10. On October 4, 2018, the Department issued a Notice of Case Action which notified Petitioner that her household was approved for FAP benefits effective September 25, 2018. The Department notified Petitioner that her household was approved for a FAP benefit of \$89.00 for a household of six for September 25, 2018, through September 30, 2018, and that her household was approved for a FAP benefit of \$437.00 for a household of six beginning October 1, 2017. The Department included the budget it used to calculate Petitioner's FAP benefit.
11. On [REDACTED] [REDACTED] [REDACTED] Petitioner filed a hearing request to dispute the Department's decisions.
12. On October 22, 2018, Petitioner returned to work full-time at the hourly rate of \$ [REDACTED]
13. On October 23, 2018, the Department issued a Notice of Case Action which notified Petitioner that her household was approved for an increase in FAP benefits effective November 1, 2018. The Department notified Petitioner that her household was approved for a FAP benefit of \$914.00 for a household of six effective November 1, 2018.

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.

Verification is usually required at application. BAM 130 (April 1, 2017), p. 1. Verification includes the use of documents, collateral contacts, and home calls. BAM 130, p 1-2. The Department must tell the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. The Department must allow the client 10 calendar days to provide the verification that is requested. BAM 130, p. 8. The Department must send a case action notice if the client refuses to provide the requested verification or the client fails to make a reasonable effort to provide it before the due date lapses. BAM 130, p. 8-9.

Here, the Department did not act in accordance with its policies when it denied Petitioner's request for FAP benefits on September 5, 2018, because Petitioner had not refused to provide requested information or failed to make a reasonable effort to provide requested information. Petitioner had made a good faith effort to provide all documentation the Department requested from her. Petitioner had submitted her paycheck information with her application, and Petitioner had attempted to provide the requested bank account information to the Department prior to the Department's due date. Petitioner's actions showed that she had intended to provide the Department with all information it requested and that she had been making a good faith effort to do so.

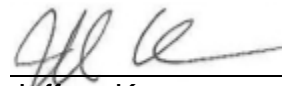
DECISION AND ORDER

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 not act in accordance with its policies and the applicable law when it denied Petitioner's request for FAP benefits on September 5, 2018.

IT IS ORDERED the Department's decision is **REVERSED**.

IT IS FURTHER ORDERED that the Department shall initiate a review of Petitioner's request for FAP benefits.

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

Amber Gibson
5303 South Cedar
PO BOX 30088
Lansing, MI
48911

Ingham County DHHS- via electronic mail

BSC2- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

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