



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: January 11, 2019
MAHS Docket No.: 18-012461
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 January 2, 2019, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Diana Weyhmler, Assistance Payments Supervisor and Patrick Doran, Eligibility Specialist.

ISSUE

Did the Department properly determine that Petitioner's Food Assistance Program (FAP) case should be closed because she was not disabled?

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], 2017, Petitioner applied for Food Assistance Program (FAP) benefits. Department Exhibit 1, pgs. 8-28.
2. On July 27, 2017, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that she was registered for work due to participation in the Food Assistance Program. Petitioner Exhibit 1, pgs. r1-r2.
3. On August 30, 2017, the Department Caseworker sent Petitioner a Notice of TLFA Countable Month that this was the first month that she did not meet the hourly participation requirement. Petitioner Exhibit 1, pg. r3.

4. On September 9, 2017, the Department Caseworker sent Petitioner a FAP Employment and Training Appointment Notice, DHS-4785, that effective September 1, 2017, she was subject to the TLFA work requirements with further explanation about compliance. Petitioner Exhibit 1, pg. r4.
5. On September 30, 2017, the Department Caseworker sent Petitioner a Notice of TLFA Countable Month that this was the second month that she did not meet the hourly participation requirement. Petitioner Exhibit 1, pg. r5.
6. On October 30, 2017, the Department Caseworker sent Petitioner a Notice of TLFA Countable Month that this was the third month that she did not meet the hourly participation requirement. Petitioner Exhibit 1, pg. r7.
7. On November 9, 2017, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that her FAP benefits were continued effective November 1, 2017. Petitioner Exhibit 1, pg. r10.
8. Petitioner was a recipient of FAP benefits based on disability, which was a miscoding in BRIDGES due to Department error and was deferred from Time Limited Food Assistance (TLFA). Department Exhibit 1, pgs. 31-35.
9. On November 15, 2018, the Department corrected the BRIDGES error on Petitioner's FAP case. Department Exhibit 1, pgs. 36-39.
10. On November 15, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that her FAP case was closed effective December 1, 2018, due to Petitioner having used all three months of TLFA and she had failed to become eligible for additional months by failing to participate in Employment, Self-Initiated Community Service or Michigan Works! Agency activities for 80 hours a month. Department Exhibit 1, pgs. 40-41.
11. On November 20, 2018, the Department received a hearing request from Petitioner, contesting the Department's negative action.
12. On December 3, 2018, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, for written verification of a DHS-54A for her mother that was due back to the Department on December 14, 2018. Department Exhibit 1, pgs. 42-45.

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 this case, Petitioner was a recipient of FAP benefits based on disability, which was a miscoding in BRIDGES due to Department error and was deferred from TLFA. Department Exhibit 1, pgs. 31-35. On November 1, 2018, the Department corrected the BRIDGES error on Petitioner's FAP case. Department Exhibit 1, pgs. 36-39. On November 15, 2018, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS-1605, that her FAP case was closed effective December 1, 2018, due to Petitioner having used all three months of TLFA and she had failed to become eligible for additional months by failing to participate in Employment, Self-Initiated Community Service or Michigan Works! Agency activities for 80 hours a month. Department Exhibit 1, pgs. 40-41. BEM 230B and 620.


During the hearing, the Department Caseworker stated that they were informed that Petitioner was the primary caretaker of her mother, who is disabled. She is also the guardian. Department Exhibit 1, pgs. 29-30. On December 3, 2018, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, for written verification of a DHS-54A for her mother that was due back to the Department on December 14, 2018. Department Exhibit 1, pgs. 42-45. Petitioner has failed to provide the required verification for the Department to defer her from the required participation in TLFA. As a result, Petitioner's FAP case remains closed. She is entitled to reapply for FAP benefits.

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 closed the Petitioner's FAP case because she failed to provide verification to be deferred and did not participate in TLFA.

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

CF/hb



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

Kimberly Kornoelje
121 Franklin SE
Grand Rapids, MI 49507

Kent County, DHHS

BSC3 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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