



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 11, 2019
MAHS Docket No.: 19-001141
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 March 6, 2019, from Detroit, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearings Facilitator.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case?

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 was an ongoing recipient of FAP benefits with a certification period that expired January 31, 2019.
2. In connection with a redetermination to determine Petitioner's continued FAP eligibility, the Department sent Petitioner a Verification Checklist (VCL) on January 3, 2019 requesting verification of checking account (Exhibit A, pp. 5-6). At the same time, it sent Petitioner a Verification of Assets form, DHS-20, that referenced a [REDACTED] account ending -[REDACTED].
3. On January 8, 2018, the Department received verification of asset forms completed for accounts other than the [REDACTED] account ending -[REDACTED].

4. On January 15, 2019, the Department sent Petitioner a Notice of Case Action notifying him that his FAP case was closing effective January 31, 2019 because verification of bank account was not returned.
5. On January 22, 2019, the Department received Petitioner's request for hearing disputing the closure of his FAP case.

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.

Although Petitioner had argued in his hearing request that he did not have excess income for FAP eligibility, at the hearing the Department acknowledged that Petitioner did not have excess income and testified that it had closed Petitioner's FAP case for his failure to verify his [REDACTED] account ending [REDACTED] during the redetermination process.

In order to be eligible for FAP, a FAP group may not have assets with values exceeding \$5,000. BEM 400 (January 2019), p. 5. Assets include the value of cash in bank accounts. BEM 400, pp. 15-17. The Department must verify assets at application, redetermination and when a change is reported. BEM 400, p. 59.

At the hearing, the Department established that, in connection with Petitioner's FAP redetermination to determine his ongoing eligibility for FAP, it sent Petitioner a VCL on January 3, 2019 requesting verification of his checking account by January 14. Petitioner argued that the VCL did not specify the account at issue and the [REDACTED] account ending [REDACTED] was a joint account that was closed. However, on the same day it sent the VCL, the Department sent Petitioner a verification of assets form, DHS-20, that referenced "[REDACTED]" and the account ending [REDACTED] on the left, just above the title of the form (Exhibit A, pp. 7-8). On January 8, 2019, the Department received a form completed by [REDACTED] but not for the account ending [REDACTED]. After the Department received Petitioner's hearing request on January 22, 2019 disputing the closure of his FAP case, the Department sent a duplicate verification of assets form, DHS-20, on January 23, 2019, again referencing the [REDACTED] account ending [REDACTED]. Thus, Petitioner was sufficiently notified that the account at issue was the [REDACTED] account ending [REDACTED].

Department policy provides that verifications requested in connection with a FAP redetermination must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. BAM 210 (January 2019), p. 17. The VCL provided that Petitioner's verification of his [REDACTED] account ending - [REDACTED] was due on January 14, 2019. The Department did not receive verification by January 14, 2019, and although it sent another verification of asset form on January 23, 2019, it did not receive verification of the closure of [REDACTED] account ending [REDACTED] until February 11, 2019, after the January 31, 2019 closure of Petitioner's FAP case. Because the asset verification was not received before expiration of the current FAP benefit period on January 31, 2019, the Department acted in accordance with Department policy when it closed Petitioner's FAP case.

Petitioner is advised that he can reapply.

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 Petitioner's FAP case for failure to verify assets.

DECISION AND ORDER

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



AE/tm

Alice C. Elkin

Administrative Law Judge

for Robert Gordon, 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

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

cc:

[REDACTED]
[REDACTED]