



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

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DIRECTOR

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Date Mailed: September 10, 2019
MOAHR Docket No.: 19-008611
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 September 5, 2019, from ██████████ Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Natalie McLaurin, hearing facilitator.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility.

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of April 2019, Petitioner was an ongoing recipient of FAP benefits with a benefit period certified through June 2019.
2. On May 7, 2019, MDHHS received Petitioner's Redetermination form. In response to a question asking Petitioner to report all assets, Petitioner reported "no changes." Boilerplate language on the Redetermination form stated, "Provide proof [of assets] with your name on it." Exhibit A, pp. 10-17.
3. On June 28, 2019, MDHHS mailed Petitioner a Verification Checklist (VCL) requesting proof of Petitioner's checking, savings, and prepaid debit card accounts. Petitioner's due date to return proofs was July 8, 2019.

4. As of July 9, 2019, Petitioner did not return proof of assets to MDHHS.
5. On July 9, 2019, MDHHS mailed notice of a closure of Petitioner's FAP case to be effective July 2019.
6. On July 10, 2019, Petitioner requested a hearing to dispute the termination of FAP benefits. Exhibit A, pp. 2-5.

CONCLUSIONS OF LAW

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner's hearing request referenced a dispute concerning MDHHS not receiving paperwork. Petitioner's testimony clarified that he intended to dispute a termination of FAP benefits beginning July 2019. Petitioner testified that he thought MDHHS closed his FAP case because of an unreturned Redetermination form. A Notice of Case Action dated July 9, 2019, stated that MDHHS terminated Petitioner's FAP eligibility due to Petitioner's failure to verify savings, checking and prepaid debit card accounts. Exhibit A, pp 6-9.

For FAP benefits, the redetermination process begins when the client files redetermination documents. BAM 210 (January 2018), p. 3. The DHS-3503, Verification Checklist, should be sent after the redetermination interview for any missing verifications allowing 10 days for their return. *Id.*, p. 17. Verifications must be provided by the end of the current benefit period or within 10 days after they are requested, whichever allows more time. *Id.* Benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. *Id.*, p. 3.

Petitioner's FAP eligibility ended as part of an uncompleted redetermination. Petitioner timely submitted a Redetermination form to MDHHS on May 7, 2019. Petitioner's testimony acknowledged that he had four different accounts as of May 2019 - two savings accounts, a checking account, and a prepaid debit card account. Petitioner also acknowledged that he did not submit verification of his accounts with his Redetermination form. In response, MDHHS properly requested verification of the accounts via VCL on June 28, 2019. Exhibit A, pp 8-9. The VCL informed Petitioner of a due date of July 8, 2019, to return verifications. Petitioner acknowledged that he failed to return the verifications to MDHHS. Petitioner's failure to verify assets by the VCL due date appears to justify the closure of FAP benefits.

Petitioner's testimony implied that MDHHS was at fault for his failure to submit verifications. Petitioner testified that his specialist advised him to write "No Changes" on his Redetermination form. Assuming Petitioner's testimony to be true, his specialist's advice did not direct Petitioner to not submit verification of assets. Petitioner should have been aware of the need to verify assets as the assets section of the Redetermination form instructs, "**Provide proof with your name on it.**" Exhibit A, p. 13. Petitioner was later unresponsive to MDHHS' request for assets via VCL.

Given the evidence, MDHHS properly terminated Petitioner's FAP case due to Petitioner's failure to submit proof of assets. As discussed during the hearing, Petitioner may reapply for FAP benefits at any time if benefits are still needed.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's FAP eligibility beginning July 2019. The actions taken by MDHHS are **AFFIRMED**.

CG/jaf



Christian Gardocki

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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS (via electronic mail)

Kathleen Verdoni
MDHHS-Saginaw-Hearings

BSC2
M Holden
D Sweeney

Petitioner (via first class mail)

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