



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: October 4, 2019
MOAHR Docket No.: 19-009578
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 30, 2019, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Supervisor, and [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits based upon a failure to verify requested information?

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 July 1, 2019, the Department and Petitioner completed Petitioner's Redetermination interview.
2. During the interview Petitioner was advised to return the completed Redetermination and proofs to the Department before the end of July 2019.
3. On July 18, 2019, the Department received Petitioner's completed Redetermination but no verifications for any household circumstances.
4. On July 31, 2019, the Department processed Petitioner's completed Redetermination and issued a Verification Checklist (VCL) to Petitioner requesting

proof of home rent, heat expense, wages for household member [REDACTED] (Daughter) at [REDACTED] (Employer 1), wages for Daughter at [REDACTED] (Employer 2), and loss of employment for Petitioner with [REDACTED] [REDACTED] (Employer 3) with proofs due on August 12, 2019.

5. On the same day, the Department also sent Petitioner a Verification of Employment form for Daughter for both Employer 1 and Employer 2 to facilitate the reporting of income from both employers.
6. On August 26, 2019, the Department issued a Notice of Case Action to Petitioner informing Petitioner that her FAP benefits had closed as of August 1, 2019 for failure to return requested verifications of employment.
7. On August 27, 2019, the Department received Petitioner's request for hearing disputing the closure of her FAP benefits and asserting that she had turned in all necessary information to the Department.

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 disputes the closure of her FAP benefits based upon a failure to verify requested information. Policy provides that the Department usually requires verification of household circumstances at application, redetermination, or reported changes. BAM 130 (April 2017), p. 1. In addition, the Department is required to give clients ten days to provide the requested verification. BAM 130, p. 7. To be considered timely, verifications must be received by the Department by the due date. *Id.* Negative Action Notices are sent when a client indicates a refusal to provide a verification or the time period given has lapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 7. Income is used in determining FAP eligibility. BEM 500 (July 2017), p. 13. Therefore, the Department's efforts to verify Petitioner's income was pursuant to policy.

In addition, in FAP cases, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210 (April

2019), p. 3. Furthermore, verifications are due the same date as the redetermination or review interview. BAM 210, p. 17. The Department allows the client ten calendar days from the date the verification is requested to provide all documents and information. *Id.*

The Department testified that it did not receive the requested verifications from Petitioner by August 26, 2019 which was 14 days after the due date set by the VCL and 26 days after the end of the Redetermination month. Petitioner testified that she submitted the documentation to the Department on numerous occasions, but she cannot remember the specific dates or times when the documents were submitted.

Since policy provides that the requested verifications must be received by the Department by the due date or the end of the Redetermination month, and Petitioner is unable to provide any proof that she submitted the documentation or a date upon which the documentation was delivered to the Department, the Department properly closed Petitioner's FAP case for failure to verify requested information.

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.

DECISION AND ORDER

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

AM/tm



Amanda M. T. Marler

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

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

Petitioner

[REDACTED]
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[REDACTED]
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CC:

[REDACTED]
[REDACTED]