



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], MI [REDACTED]

Date Mailed: October 11, 2019
MOAHR Docket No.: 19-009868
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 October 9, 2019, from Lansing, Michigan.

Petitioner personally appeared and testified unrepresented.

The Department of Health and Human Services (Department) was represented by Aundrea Jones, Hearings Facilitator.

Department Exhibit A.18 was offered and admitted into the record.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case effective August 1, 2019, and properly reopen Petitioner's FAP case effective August 14, 2019?

FINDINGS OF FACT

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

1. At all relevant times, Petitioner has been a beneficiary of the Food Assistance Program.
2. On June 6, 2019, Respondent received a wage match report regarding one of Petitioner's FAP members and mailed a new hire form to Petitioner to complete, due June 17, 2019.

3. On July 19, 2019, Respondent issued a notice of proposed closure of Petitioner's FAP case due to Petitioner having failed to return the new hire verification form. Petitioner's case closed.
4. On [REDACTED] [REDACTED] [REDACTED] Petitioner reapplied.
5. On August 29, 2019, Respondent issued a Notice of Case Action informing Petitioner that from August 14, 2019, to August 31, 2019, FAP benefits were approved at \$232; from September 1, 2019, and continuing, at \$385 per month.
6. On [REDACTED] [REDACTED] [REDACTED] Petitioner filed a hearing request.

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, applicable federal regulations are found at 7 DCR 273.2, 273.11, and 273.10. Corresponding Department policy is found at BAM 115, 130, 500-505, and 556.

As a beneficiary of a benefit welfare services case, the party alleging eligibility has the burden of proof by a preponderance of evidence. Here, that burden falls on Petitioner. However, in all beneficiary administrative hearings, the Department has the burden of going forward.

Here, unrefuted evidence is that Petitioner turned in the new hire form on [REDACTED] [REDACTED] [REDACTED] with her reapplication. The Department alleges that Petitioner did not previously return the form, due June 17, 2019, triggering case closure effective August 1, 2019. Petitioner argues that she did turn in the form timely. Petitioner was unsure of the date. Petitioner had no evidence of having turned in the form prior to [REDACTED] [REDACTED] [REDACTED]. As such, Petitioner could not meet her burden of proof.

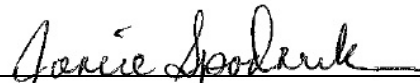
Regarding the allotment, Petitioner did not dispute any of the actual income and expense used in calculating her FAP benefits for the partial August 2019 and September 1, 2019 FAP allotments.

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 effective August 1, 2019, and when it reopened Petitioner's FAP case effective [REDACTED] and continuing.

DECISION AND ORDER

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

JS/hb



Janice Spodarek
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

Sharnita Grant
25637 Ecorse Rd.
Taylor, MI 48180

Wayne County (District 18), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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