



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: June 23, 2022
MOAHR Docket No.: 22-002221
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 June 22, 2022, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Michelle Collins, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefit 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 FAP recipient.
2. On February 18, 2022, the Department sent Petitioner a New Hire Client Notice requesting information regarding her daughter's employment (Exhibit A, pp. 7-9).
3. On April 14, 2022, the Department sent Petitioner a Notice of Case Action informing Petitioner that her FAP benefit case was closing effective May 1, 2022, ongoing (Exhibit A, pp. 15-18).
4. On ██████████, 2022, Petitioner submitted a request for hearing disputing the Department's actions.

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, the Department received a New Hire Match which indicated Petitioner's daughter had recently obtained employment. On February 18, 2022, the Department sent Petitioner a New Client Hire Notice requesting verification of her daughter's employment income. The form was due by February 28, 2022.

When the Department receives a New Hire Match, it will request verification from the client by sending a DHS-4635 New Hire Client Notice. BAM 807 (April 2017), p. 1. The Department allows 10 calendar days to provide the verification from the date the forms were requested. BAM 807, p. 2. If verifications are not returned by the tenth day, a negative case action will be sent notifying the client of the closure of their benefit case. BAM 807, p. 2.

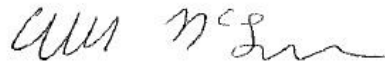
The Department testified that as of April 14, 2022, Petitioner had not returned verification of her daughter's income. As a result, Petitioner's FAP benefit case closed effective May 1, 2022, ongoing. Petitioner testified that she received the New Hire Client Notice. Petitioner stated that she provided the form to her daughter's employer and was notified that they would fax the document on her behalf.

Petitioner conceded that she did not herself submit the verification. Therefore, Petitioner cannot be certain that the document was submitted to the Department. The Department presented sufficient evidence that Petitioner did not timely return the verification requested by the Department. Thus, the Department acted in accordance with the Department that it properly closed Petitioner's FAP benefit case.

It should be noted that Petitioner later reported that her daughter left her residence. However, Petitioner acknowledged that her daughter left her home after the Department requested the information regarding her employment. Therefore, the issue is not relevant to the Department's closure of Petitioner's FAP benefit case.

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 Petitioner's FAP benefit case. Accordingly, the Department's decision is **AFFIRMED**.



EM/tm

Ellen McLemore
Administrative Law Judge

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

Via-Electronic Mail :

DHHS
Keisha Koger-Roper
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Interested-Parties

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Via-First Class Mail :

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