



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: October 12, 2022
MOAHR Docket No.: 22-003915
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 29, 2022, from Lansing, Michigan. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by Adelee Sumppron, Hearing Facilitator and Katy Yetman, Eligibility Specialist. The Department Exhibits 1 through 11 were admitted and made a part of the record.

ISSUE

Did the Department properly determine the Petitioner's eligibility for Food Assistance Program (FAP) and Family Independence Program (FIP)?

FINDINGS OF FACT

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

1. The Petitioner was a recipient of FIP and FAP benefits.
2. On April 25, 2022, the Department Caseworker sent the Petitioner a New Hire Notice, DHS 4635, for [REDACTED], who was the Petitioner's significant other, to verify employment at [REDACTED].
3. On August 2, 2022, the Petitioner reported that Child E. was in the home.
4. On August 2, 2022, the Department Caseworker sent the Petitioner a reprinted New Hire Notice, DHS 4635, for [REDACTED] to verify employment at [REDACTED].

5. On August 5, 2022, the Petitioner's FAP case was closed for failure to receive the New Hire Verification form and a Notice of Case Action, DHS 1605, was sent.
6. On August 5, 2022, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503 to verify school attendance for her child, E, and Verification of Student Information, DHS 3380, for her child, E.
7. On August 16, 2022, the Petitioner's FIP case was closed for failure to receive verification of student attendance for her children and a Notice of Case Action, DHS 1605, was sent.
8. On August 19, 2022, the Petitioner reported that Child E. was no longer in the home.
9. On August 24, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action.
10. On [REDACTED] 2022, the Petitioner filed a new application for FIP, FAP, and Medical Assistance (MA).
11. On September 9, 2022, the Department Caseworker completed the required interview for FIP and FAP with FAP being approved with no loss of benefits only a delay in receiving the September 2022 benefits and FIP still pending for school verifications.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

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 Petitioner was a recipient of FIP and FAP benefits. On April 25, 2022, the Department Caseworker sent the Petitioner a New Hire Notice, DHS 4635, for [REDACTED] to verify employment at [REDACTED]. On August 2, 2022, the Petitioner reported that Child E. was in the home. On August 2, 2022, the Department Caseworker sent the Petitioner a reprinted New Hire Notice, DHS 4635, for [REDACTED] to verify employment at [REDACTED].

The Petitioner's FIP and FAP case was closed for failure to provide the required verifications to determine continued eligibility. On August 5, 2022, the Petitioner's FAP case closed for failure to receive the New Hire Verification form and a Notice of Case Action, DHS 1605, was sent. On August 5, 2022, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503 to verify school attendance for her child, E, and Verification of Student Information, DHS 3380, for her child, E. On August 16, 2022, the Petitioner's FIP case closed for failure to receive verification of student attendance for her children and Notice of Case Action, DHS 1605, was sent. On August 19, 2022, the Petitioner reported that Child E. was no longer in the home. On August 24, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

On [REDACTED] 2022, the Petitioner filed a new application for FIP, FAP, and Medical Assistance (MA). On September 9, 2022, the Department Caseworker completed the required interview for FIP and FAP. FAP was approved with no loss of benefits only a delay in receiving the September 2022 benefits. Her FIP application is still pending for school verifications. BAM 806, and 807. BAM 225, and 245.

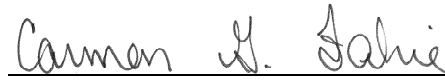
This Administrative Law Judge finds that the Petitioner failed to submit the required verifications for employment and school attendance to determine continued FIP and FAP eligibility. As a result, her FIP and FAP case were subsequently closed. She reapplied for benefits and has had no loss of FAP benefits. Her FIP application is still pending the school attendance verification for her children. If the verifications are not received by the due date, then the FIP application will be denied.

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 the Petitioner's FIP and FAP cases due to her failure to submit the required verifications of employment and school attendance to the Department to determine continued FIP and FAP eligibility.

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

CF/cc

Handwritten signature of Carmen G. Fahie in cursive script.

Carmen G. Fahie
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 :

Interested Parties

MDHHS-Ottawa-Hearings
BSC3-HearingDecisions
B. Sanborn
D. Sweeney
M. Holden
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
MI [REDACTED]