



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

██████████  
██████████  
██████████ MI ██████████

Date Mailed: March 1, 2019  
MAHS Docket No.: 19-000437  
Agency No.: ██████████  
Petitioner: ██████████

**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 February 27, 2019, from Lansing, Michigan. Petitioner personally appeared and testified. The Department of Health and Human Services (Department) was represented by Aundrea Jones, Hearings Facilitator.

### **ISSUE**

Did the Department properly deny Petitioner's December 13, 2018 Food Assistance (FAP) application?

### **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 December 13, 2018, Petitioner applied for FAP assistance.
2. On December 21, 2018, the Department issued a Verification Checklist requesting verification regarding employment for Lonigro Management, and Industry One Inc., both due on January 2, 2019.
3. On January 10, 2019, the Department issued a Notice of Case Action denying Petitioner's FAP on the grounds that Petitioner failed to submit employment verifications for both employers.

4. On January 14, 2019, Petitioner filed a hearing request.
5. After Petitioner filed her hearing request Petitioner discussed her inability to obtain verifications due to non-cooperation by the employer.
6. Petitioner reapplied for FAP and had a FAP case open with FAP benefits effective January 25, 2019. Petitioner disputes FAP benefits for a closed-ended period of time from December 13, 2018, through January 24, 2019.

### **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.

Regarding income verification for FAP benefits, federal and state law and policy require the Department to have all necessary and required verifications of income for all eligible group members. Failure to have such documentation in a recipients file prior to issuing welfare benefits can subject the State of Michigan to financial penalties. BEM 550, 556; 7 CFR 273.9, 273.10c, 273.11, 273.2(f)(1)(i).

Applicants for welfare programs contesting eligibility determinations have the burden of proof by a preponderance of evidence.

Here, the Department argues that it correctly followed its policy and procedure as mandated by federal and state law, and that Petitioner failed to comply with the verification requests.

Petitioner argues that she informed the Department that her employers would not cooperate with her in completing the required paperwork regarding the verification requests.

Here the Department does not dispute that Petitioner discussed failure to cooperate with the Department. Rather, the Department evidence indicates that Petitioner did so only after her case was denied, and with regards to Petitioner's reapplication for FAP. The Department had documentation in its case record regarding a discussion with a supervisor after Petitioner filed her hearing request.

Petitioner argues that she informed the Department prior to the case denial. However, Petitioner was unable to cite a date or time. Petitioner did not have any documentary records to support her claim. Petitioner's testimony in this regard lacked any specificity.

Where the evidence is unequivocal, the reviewing forum must rule against the person who has the burden of proof. As noted, In eligibility for welfare benefits, the applicant has the burden of proof. Here, Petitioner failed to meet that burden. Unrefuted evidence is that the verifications were turned in by the 1/2/19 due date. In addition, Petitioner had no specificity about when or any other documentation to support her claims of having discussed failure to cooperate with the Department prior to her reapplication.

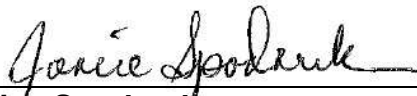
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Petitioner's January 13, 2018, FAP application.

### **DECISION AND ORDER**

Accordingly, the Department's decision is

**AFFIRMED.**

JS/dh

  
\_\_\_\_\_  
**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 Administrative Hearing System (MAHS).

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

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

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

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

**DHHS**

Jeanenne Broadnax  
25637 Ecorse Rd.  
Taylor, MI 48180

Oakland County (District 2), DHHS

BSC4 via electronic mail

EQAD via electronic mail

D. Smith via electronic mail

**Petitioner**

██████████  
██████████  
██████████ MI ██████████