



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: August 6, 2019  
MOAHR Docket No.: 19-006788  
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 July 30, 2019, from Lansing, Michigan. Petitioner was represented by himself and his wife, [REDACTED]. The Department of Health and Human Services (Department) was represented by Gregory Folsom, Hearing Facilitator.

### **ISSUE**

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

### **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 [REDACTED] [REDACTED] 2019, Petitioner applied for FAP benefits where Petitioner marked on the application that they were not homeless, so their residential address was used by BRIDGES for their correspondence not their P.O. Box with a pictured copy of a bank account with the date not visible and employment deposits. Department Exhibit 1, pgs. 4-13.
2. On May 30, 2019, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, after the interview to their residential address to provide required verification by June 10, 2019, of specifically their checking account verification. Department Exhibit 1, pgs. 16-19.

3. On June 11, 2019, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, to their residential address, stating that his FAP application was denied for failure to provide verification by the due date of their checking account verification. Department Exhibit 1, pgs. 27-30.
4. On June 20, 2019, the Petitioner applied for State Emergency Relief (SER) and stated that he was homeless, so the Department used his P.O. Box address. Department Exhibit 1, pgs. 33-37.
5. On June 21, 2019, the Department received a hearing request from Petitioner, contesting the Department's negative action.

### **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 applied for FAP benefits on [REDACTED] [REDACTED] 2019, but failed to provide the required verifications to determine eligibility. His application was denied on June 11, 2019. His Department notices were sent to his residential address because he marked on his application that he was not homeless. During the hearing, he stated that he did not receive the Department notices sent to his residential address even though he did forward his mail with the Post Office and got a P.O. Box.

The Department sent them to the correct address based on his application answer. In addition, he had a telephone interview where the Department Caseworker goes over verbally what is needed to determine eligibility, which is followed up with a Verification Checklist. He was put on notice that the Department did not have a valid checking account verification. The Department did not know he was homeless until he applied for SER on June 20, 2019, then his mailings were sent to his P.O. Box. BAM 115, 220, and 600. BEM 220, 400, 501, and 620. ERM 103, 301, 303, and 304.

**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 denied Petitioner's FAP application submitted on May 22, 2019, due to Petitioner failing to provide the required verification to determine FAP eligibility.

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

CF/hb



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**Carmen G. Fahie**  
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**

Mark Epps  
4809 Clio Road  
Flint, MI 48504

Genesee County (Clio), DHHS

BSC2 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

[REDACTED]  
[REDACTED], MI [REDACTED]