



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: March 10, 2021  
MOAHR Docket No.: 21-000042  
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 March 3, 2021, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Mark McBride.

### **ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) case for failure to provide written verification to determine continued FAP eligibility?

### **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 a recipient of FAP benefits.
2. On December 19, 2020, the Department received asset verification based on the Petitioner's name for 3 banking accounts at Chase totaling more than \$15,000. Department Exhibit 1, pgs. 8-9.
3. On December 21, 2020, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, to provide written verification of assets that was due January 4, 2021. Department Exhibit 1, pgs. 14-15.

4. On January 5, 2021, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that his FAP case was closed due to his failure to provide written verification to determine continued FAP eligibility.
5. On January 5, 2021, 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 was a recipient of FAP benefits. On December 19, 2020, the Department received asset verification based on Petitioner's name for 3 banking accounts at Chase totaling more than \$15,000. Department Exhibit 1, pgs. 8-9. On December 21, 2020, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, to provide written verification of assets that was due January 4, 2021. Department Exhibit 1, pgs. 14-15.

On January 5, 2021, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that his FAP case was closed due to his failure to provide written verification to determine continued FAP eligibility. On January 5, 2021, the Department received a hearing request from Petitioner, contesting the Department's negative action. BEM 500, 550, and 554.

Petitioner sent two (2) written verifications for his two accounts at Chase but failed to provide the written verification for the 3<sup>rd</sup> Chase account. He stated that that is his son's account, and his name is only on there for emergency reasons as a joint owner in a call with the Department on January 11, 2021. Department policy still requires Petitioner to verify the account then an audit will be performed to determine how much if any of the assets belong to Petitioner. However, Petitioner failed to verify the 3<sup>rd</sup> account at Chase, which resulted in the closure of his FAP case for failure to provide verification to determine continued FAP eligibility.

**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 case for failure to provide verification to determine continued FAP eligibility.

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

CF/hb



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**Carmen G. Fahie**  
Administrative Law Judge  
for Elizabeth Hertel, 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**

Washtenaw County via electronic mail

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

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