



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: October 4, 2021
MOAHR Docket No.: 21-004187
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on September 29, 2021. Petitioner represented himself. The Department was represented by Jamie Titus and Ahmed Elahrag.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

1. Department records indicate that on May 17, 2021, the Department received a duplicate semi-annual contact report where Petitioner reported ending employment. Exhibit A, p 10.
2. Department records indicate that on June 8, 2021, the Department closed Petitioner's Food Assistance Program (FAP) benefits due to missing verification material. Exhibit A, p 10.
3. Petitioner provided documentation that he submitted documents to the Department on May 14, 2021, labeled "Loss of Employment," "Earned Income Wages, Salaries, Tips, and Commissions." Exhibit 1, p 3-4.
4. Petitioner provided copies of telephone record showing his attempts to call his caseworker and clarify the information that needed to be verified. Exhibit 1, pp 6-14.

5. On September 2, 2021, the Department received Petitioner's request for a hearing protesting the closure of his Food Assistance Program (FAP) benefits. Exhibit A, pp 3-5.

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) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (July 1, 2020), p 9.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (January 1, 2021), pp 1-10.

The Department will send a negative action when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. Department of Health and Human Services Bridges Administrative Manual (BAM) 130 (April 1, 2017), p 7.

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days. Department of Human Services Bridges Administrative Manual (BAM) 600 (March 1, 2021), pp 6-7.

Petitioner was an ongoing FAP recipient when the Department initiated a routine review of his eligibility for ongoing benefits. Petitioner had reported a loss of employment and the Department requested verification. The hearing record supports a finding that

Petitioner attempted to provide verification of his loss of employment and income, but Department records indicate that FAP benefits were closed on June 8, 2021.

Petitioner's request for a hearing was received by the Department on September 2, 2021, which was 86 days after the closure of his FAP benefits. Therefore, Petitioner is entitled to a hearing protesting the closure of those benefits. BAM 600, p 6.

Petitioner credibly testified that he provided the Department with the information necessary to determine his eligibility for FAP benefits. This Administrative Law Judge finds that the hearing record supports a finding that Petitioner made a reasonable attempt to provide the Department with verification of his circumstances necessary to determine his eligibility for FAP benefits.

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 did not act in accordance with Department policy when it closed Petitioner's Food Assistance Program (FAP) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:


Give Petitioner a ten-day period to provide the Department with any verification material necessary to determine his eligibility for Food Assistance Program (FAP) benefits.

Initiate a determination of the Petitioner's eligibility for Food Assistance Program (FAP) benefits effective June 1, 2021.

Provide the Petitioner with written notice describing the Department's revised eligibility determination.

Issue the Petitioner any retroactive benefits he may be eligible to receive, if any.

KS/nr



Kevin Scully
Administrative Law Judge

