



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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██████████, MI ██████████

Date Mailed: October 12, 2021  
MOAHR Docket No.: 21-004209  
Agency No.: ██████████  
Petitioner: ██████ ██████

**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 October 6, 2021. Petitioner represented himself. The Department was represented by Kristina Warner.

**ISSUE**

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for 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. On ██████ ██████ ██████ the Department received Petitioner's application for Food Assistance Program (FAP) benefits. Exhibit A, pp 6-21.
2. Department records indicate that Petitioner reported during a routine eligibility interview that Petitioner was performing odd jobs for income. Exhibit A, pp 23-27.
3. On August 11, 2021, the Department notified Petitioner that he was eligible for expedited Food Assistance Program (FAP) benefits. Exhibit A, pp 28-35.
4. On August 11, 2021, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of self-employment income by August 23, 2021. Exhibit A, pp 36-38.
5. On August 11, 2021, the Department sent Petitioner three Self-Employment Income and Expense Statement (DHS-431) forms requesting verification of self-employment income for the previous three months. Exhibit A, pp 39-44.

6. On September 2, 2021, the Department notified Petitioner that he was not eligible for Food Assistance Program (FAP) effective September 1, 2021. Exhibit A, pp 46-49.
7. On September 13, 2021, the Department received Petitioner's request for a hearing protesting the denial of his application for 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.

The purpose of FAP expedited service is to help the neediest clients quickly. With expedited FAP benefits, certain processing requirements and actions are deferred due to the shortened standard of promptness. Food Assistance groups that did not provide all required verifications will not be issued benefits for subsequent months until the FAP group provides the waived verification or completes a redetermination. Department of Health and Human Services Bridges Administrative Manual (BAM) 117 (January 1, 2020), pp 1-6.

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 (July 1, 2021), pp 1-10.

On [REDACTED] [REDACTED] [REDACTED] the Department received Petitioner's application for FAP benefits. During an eligibility interview, Petitioner reported that he performs odd jobs for income. On August 11, 2021, the Department notified Petitioner that he was eligible for expedited FAP benefits and requested verification of the income he reported during the

interview, which fits the Department's definition of self-employment income. The Department provided Petitioner with three copies of Self-Employment Income and Expense Statement forms. On September 2, 2021, the Department had not received any verification of Petitioner's income, and it notified Petitioner that he was no longer eligible for FAP benefits.

Petitioner testified that he did not return the self-employment income and expense forms because the odd jobs he was performing were irregular and that he had not received any additional income.

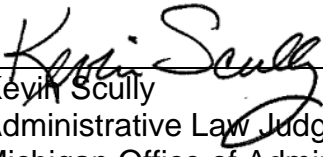
However, it was necessary for Petitioner to provide verification of the income he reported, and if he had not received any additional income, he should have reported receiving no income on the forms that were provided to him. Without returning any of the documentation the Department requested, the Department was unable to accurately determine his eligibility for ongoing 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 acted in accordance with Department policy when it closed Petitioner's Food Assistance Program (FAP) benefits.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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Kevin Scully  
Administrative Law Judge  
Michigan Office of Administrative Hearings and  
Rules (MOAHR)

**TICE 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**

Tamara Little  
301 E. Louis Glick Hwy.  
Jackson, MI 49201

Jackson County DHHS- via electronic mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

**Petitioner**

██████████ via first class mail

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