



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.: 21-004275
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 herself. The Department was represented by Damon Holmes and Sara Terreros.

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 8-14.
2. Department records indicate that during an eligibility interview on July 26, 2021, Petitioner reported that she is not receiving child support but that there is a court order for child support. Exhibit A, pp 15-17.
3. On July 30, 2021, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of court ordered child support. Exhibit A, pp 21-22.
4. On August 3, 2021, the Department received a screenshot of child support information that did not identify the name of the child beneficiary. Exhibit A, p 24.
5. On August 3, 2021, the Department sent Petitioner a Quick Note (DHS-100) requesting verification of child support discussed during the eligibility interview. Exhibit A, p 23.

6. On August 11, 2021, the Department notified Petitioner that her application for Food Assistance Program (FAP) benefits had been denied. Exhibit A, pp 47-51.
7. On September 7, 2021, the Department received Petitioner's request for a hearing protesting the denial of her application for Food Assistance Program (FAP) benefits. Exhibit A, p 4.

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

Petitioner applied for FAP benefits on [REDACTED] and on July 26, 2021, reported that she was not received the court ordered child support payments the child was supposed to receive. On July 30, 2021, the Department requested verification of those court ordered child support payments. On August 3, 2021, Petitioner submitted screen shots of the child support payments that did not identify Petitioner's child as the recipient. On August 3, 2021, the Department reminded Respondent that it was still necessary for her to provide verification of the court ordered child support. On August 11, 2021, the Department notified Petitioner that her application had been denied.

Petitioner testified that she was unable to obtain additional verification documents from the Friend of the Court concerning the court ordered child support before the due date.

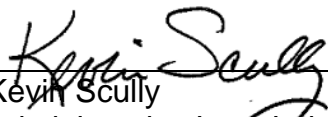
Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that Petitioner failed to provide the Department with sufficient verification of her child's court ordered child support in a timely manner.

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 [REDACTED] [REDACTED] [REDACTED] application for assistance.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



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

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

