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GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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Date Mailed: March 22, 2022  
MOAHR Docket No.: 22-000339  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Danielle Nuccio**

**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 16, 2022. The Petitioner appeared and represented herself. A Swahili interpreter facilitated Petitioner’s understanding of the hearing. ██████████ also appeared on Petitioner’s behalf. The Department of Health and Human Services (MDHHS) was represented by Alley Haught, Assistance Payments Supervisor, and Stephanie Brinks, Assistance Payment Refugee Worker.

**ISSUE**

Did MDHHS properly deny Petitioner’s January 3, 2022 Food Assistance Program (FAP) application for failure to timely return required verifications?

**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 ██████████ 2022, Petitioner applied for FAP benefits for a group size of three, consisting of her two sons, ██████████, who was ██████████, (Son 1), ██████████ (Son 2), who was ██████████, and herself (Exhibit A, pp. 7-18).
2. Petitioner reported that Son 1 is employed full-time (Exhibit A, pp. 12, 21).
3. On January 6, 2022, MDHHS issued a verification checklist to Petitioner requesting verification of Son 1’s income and employment to be submitted to MDHHS by January 18, 2022. MDHHS also requested verification of unknown employment income for Petitioner and Son 2 (Exhibit A, pp. 22-24).

4. On January 21, 2022, MDHHS issued a Notice of Case Action to Petitioner informing her that her FAP application was denied for failure to submit verification of earned income for Son 1 and failure to submit unknown employment income information for Son 2 and herself (Exhibit A, pp. 26-30).
5. On January 28, 2022, MDHHS received Petitioner's timely hearing request regarding the denial of her FAP application (Exhibit A, pp. 4-6).

### **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, MDHHS denied Petitioner's FAP application for failure to timely return verification of Son 1's employment and failure to submit unknown employment income information for Son 2 and herself.

Parents and their children under 22 years of age who live together must be in the same FAP group. BEM 212 (January 2022), p. 1. Petitioner's sons live with her and were ■ years old and ■ years old at the time of her FAP application. Therefore, Petitioner's two sons were mandatory group members and their income must be considered in determining FAP eligibility.

MDHHS issued a verification checklist to Petitioner requesting verification of Son 1's income and employment and verification of unknown employment income for Petitioner and Son 2. MDHHS must verify non-excluded earned income at application prior to authorizing benefits. BEM 501 (July 2021) p. 10. Although MDHHS did not have a reason to request unknown employment information from Petitioner and Son 2 because in the application and interview, the only income Petitioner reported for the household is Son 1's employment income, Petitioner reported that Son 1 was employed full-time on her application and at her interview. Therefore, MDHHS was required to verify his employment and income in order to determine FAP eligibility. MDHHS stated that the requested verifications were due by January 18, 2022. Petitioner testified that she went to the local office on January 20, 2022 to turn in Son 1's income but admitted that she did not actually submit it to MDHHS until February 10, 2022. Petitioner confirmed that she did not turn in the verification for Son 1's employment by the due date. Therefore,

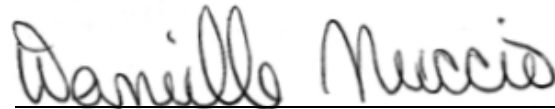
MDHHS acted in accordance with policy when denying Petitioner's application for failure to return Son 1's employment verification.

Petitioner did submit the requested verifications on February 10, 2022. When a client completes the application process after denial but between the 31st and 60th days from the date of application, MDHHS will re-register the application, using the date the client completed the process. If the client is eligible, MDHHS will prorate benefits from the date the client complied. BAM 115 (July 2021), p. 25. Here, MDHHS did approve Petitioner's FAP case effective February 10, 2022 and testified that as of the hearing date FAP will be issued to Petitioner.

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 MDHHS acted in accordance with Department policy when it denied Petitioner's FAP application.

### **DECISION AND ORDER**

Accordingly, MDHHS' decision is **AFFIRMED**.



**Danielle Nuccio**

Administrative Law Judge

DN/mp

**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

**Email Recipients:**

MDHHS-Kent-Hearings  
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BSC3

**First-Class Mail Recipient:**

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