



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: April 7, 2022
MOAHR Docket No.: 22-000617
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 April 4, 2022. The Petitioner appeared and represented herself. Petitioner's son, [REDACTED], facilitated Petitioner's understanding of the hearing by interpreting from English to Arabic. The Department of Health and Human Services (MDHHS) was represented by Sandra Hockett, Eligibility Specialist.

Petitioner submitted two hearing requests in this matter. Therefore, MDHHS prepared two hearing packets in response to each request. MDHHS Exhibit A and Exhibit B were admitted into the formal record, although they are duplicative. Petitioner confirmed both hearing requests are regarding the same application and submitted twice in confusion.

ISSUE

Did MDHHS properly deny Petitioner's [REDACTED], 2021 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 [REDACTED], 2021, Petitioner applied for FAP benefits for a group size of six, consisting of her husband, [REDACTED] (Husband), their four children, and herself (Exhibit A, pp. 15-22).
2. On December 28, 2021, MDHHS issued a verification checklist to Petitioner requesting verification of Husband's and Petitioner's income and employment be submitted to MDHHS by January 7, 2022 (Exhibit A, pp. 12-14).

3. On January 11, 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 Husband and herself (Exhibit A, pp. 7-11).
4. On February 17, 2022, MDHHS received Petitioner's timely submitted hearing request regarding the denial of her FAP application (Exhibit A, pp. 4-5). Petitioner submitted the hearing request twice out of confusion but confirmed both requests are regarding the denial of the December 27, 2021 application.

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 Husband's employment and income. MDHHS testified that they received Petitioner's income information after the Notice of Case Action was sent so that was no longer a reason the application was denied.

MDHHS must verify non-excluded earned income at application prior to authorizing benefits. BEM 501 (July 2021) p. 10. The client has primary responsibility for obtaining verification of employment and income. BEM 501, p. 9. For FAP cases, if the client contacts MDHHS prior to the due date requesting an extension or assistance in obtaining verifications, MDHHS is to assist the client with the verifications but does not grant an extension. Once the Verification Checklist due date has passed, the client will not be given an extension and their case will be denied unless the client has made a reasonable effort to provide the requested verifications. BAM 130 (July 2021) p. 7. Here, the Verification Checklist clearly explained to Petitioner what information was requested by MDHHS, the due date Petitioner must submit the information by, and the consequence for not submitting the required information. Petitioner was given ten days to submit the verification. Petitioner testified that she attempted to upload Husband's paystub to her electronic case file but could not recall when. MDHHS testified that they did not have record of that document. Petitioner testified that no other information was submitted, or attempted to be submitted, to MDHHS. Without further evidence presented, it is difficult to find this attempted upload of a paycheck to be a reasonable effort to provide the requested verification as required by policy. MDHHS testified that they spoke to Husband and advised him verbally that they needed verification of his

employment and income. MDHHS also provided to Petitioner and Husband contact information for language translation assistance. Petitioner confirmed that neither she nor Husband requested assistance from MDHHS in obtaining the requested verification. Since income information is required to determine FAP eligibility and MDHHS did not receive the requested verification of Husband's employment income, MDHHS acted in accordance with policy in denying Petitioner's FAP application.

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-Oakland-DistrictII-Hearings
D. Sweeney
M. Holden
MOAHR
BSC4

First-Class Mail Recipient:

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[REDACTED], MI [REDACTED]