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GOVERNOR

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

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DIRECTOR

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Date Mailed: April 26, 2022
MOAHR Docket No.: 22-001078
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On March 11, 2022, Petitioner, ██████████, requested a hearing to dispute the Department's decision to deny her application for Food Assistance Program (FAP) benefits. Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on April 20, 2022. Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Jessica Mays, Assistance Payments Worker, and Sara Terreros, Assistance Payments Supervisor, appear as its representatives. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 29-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Whether the Department properly denied Petitioner's application for 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 ██████████ 2022, Petitioner applied for FAP benefits from the Department.
2. On February 10, 2022, the Department mailed a quick note to Petitioner which stated, "verification of all bank assets are needed in order to complete food assistance determination. DHHS needs a bank statement from your Direct Express, Big Lots and Horizon cards."

3. On February 15, 2022, the Department spoke with Petitioner. Petitioner advised the Department that she did not receive bank statements from her accounts. The Department advised Petitioner that she could provide ATM receipts that show the balances on her cards instead of bank statements.
4. On February 15, 2022, the Department mailed a verification checklist to Petitioner to advise Petitioner to provide “current (within the last 30 days) bank statements for all savings, checking, and money market accounts.”
5. On February 22, 2022, Petitioner provided the Department with ATM receipts showing the balances on her cards.
6. The Department received Petitioner’s receipts, the Department reviewed them, and the Department determined that they were insufficient because they did not have information on them to tie them to Petitioner. The Department determined that the receipts were insufficient without copies of Petitioner’s cards.
7. On March 9, 2022, the Department mailed a benefit notice to Petitioner to notify her that her application for FAP benefits was denied because she did not provide her bank statements as instructed.
8. On March 11, 2022, Petitioner requested a hearing to dispute the Department’s decision.

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 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 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, Petitioner is disputing the Department’s decision to deny her application for FAP benefits. The Department denied Petitioner’s application for FAP benefits because it determined that it did not receive sufficient proof of her bank statements when it requested them from her.

Verification is usually required by the Department at the time of application or redetermination. BAM 130 (January 1, 2021), p. 1. The Department must tell a client what verification is required, how to obtain it, and the due date. *Id.* at 3. The Department must allow the client 10 calendar days to provide requested verification. *Id.* at 8. The client must obtain the verification, but the local office must assist if the client

needs it and asks for help. *Id.* Verifications are only considered timely if they are received by the due date. *Id.* The Department must send a Negative Action Notice when the client refuses to provide the verification, or the client has failed to provide the verification by the due date. *Id.*

After Petitioner applied for FAP benefits, the Department requested verification from Petitioner because the Department needed additional information to determine Petitioner's eligibility for FAP benefits. The Department did not give Petitioner a due date by which she had to provide the information. Petitioner responded to the Department's request by providing documents that she reasonably thought would satisfy the Department's request. The Department reviewed Petitioner's documents and determined that they were insufficient without copies of her cards, so the Department denied Petitioner's application for FAP benefits.

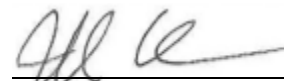
The Department did not properly deny Petitioner's application for FAP benefits. The Department did not give Petitioner a due date, so Petitioner did not fail to provide verification by a given due date. Additionally, Petitioner did not refuse to provide verification to the Department because Petitioner responded with documents that she reasonably thought would satisfy the Department's request. Thus, Petitioner neither refused to provide verification or failed to provide verification by a due date.

DECISION AND ORDER

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 properly deny Petitioner's application for FAP benefits.

IT IS ORDERED the Department's decision is **REVERSED**. The Department shall redetermine Petitioner's eligibility for FAP benefits effective February 8, 2022, based on the information Petitioner provided to the Department. If the Department determines it needs additional information before it can redetermine her eligibility, the Department shall give Petitioner an opportunity to provide the additional information before the Department redetermines her eligibility. The Department shall begin to implement this decision within 10 days.

JK/mp



Jeffrey Kemm
Administrative Law Judge

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
D. Sweeney
M. Holden
MOAHR
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First-Class Mail Recipient:

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