



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: April 25, 2022
MOAHR Docket No.: 22-001122
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 April 20, 2022. Petitioner represented herself. The Department was represented by Tacarra Jones.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for the Food Assistance Program (FAP)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was an ongoing Food Assistance Program (FAP) recipient until March 1, 2022, when her benefit certification period ended.
2. On ████████ ████████ ████████ the Department received Petitioner's application for Food Assistance Program (FAP) benefits.
3. The Department requested that Petitioner provide verification of her income.
4. On April 7, 2022, the Department notified Petitioner that her Food Assistance Program (FAP) benefits would close effective April 1, 2022.
5. On ████████ ████████ ████████ the Department received Petitioner's request for a hearing.

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.

Petitioner was an ongoing FAP recipient at the end of her benefit certification period when the Department sent her a Redetermination form to accurately determine her eligibility for ongoing benefits.

If a redetermination packet is not logged in by the last working day of the redetermination month, the Department will automatically close FAP benefits, and a notice of case action is not sent. Department of Health and Human Services Bridges Administrative Manual (BAM) 210 (January 1, 2020), p 13.

When the Department did not receive Petitioner's completed Redetermination form, Petitioner's enrollment in FAP automatically stopped at the end of her certification period as directed by BAM 210.

Petitioner testified that he had difficulty submitting her Redetermination form and was unable to contact her caseworker because that person was no longer employed by the Department, and Petitioner did not know the identity of her new caseworker. It was not disputed that the Department changed Petitioner's caseworker without notice, but this did not relive Petitioner of her duty to complete the Redetermination process before the end of the certification period to avoid any lapse in benefits.

Petitioner reapplied for FAP benefits, and during a required eligibility interview, the Department discovered that verification of her income was required to accurately determine her eligibility for FAP benefits.

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

Petitioner denies receiving income in the form of contributions from individuals outside her household, but she has the duty to verify that she is not receiving this income or that this income had ended. When that verification of income was not received, Petitioner's application was denied.

Petitioner remained potentially eligible for FAP benefits based on subsequent processing of her application for assistance. Petitioner's eligibility for FAP benefits would have started on the date that she provided the Department with the information necessary to accurately determine her eligibility for benefits, but no evidence was presented on the record that this information was received by the Department.

Petitioner argued that she was given notice of the denial of benefits dated April 7, 2022, with an effective date of April 1, 2022, which demonstrates that the Department had improperly denied benefits before she had the opportunity to provide the requested verification material.

Petitioner reapplied for FAP benefits on [REDACTED], 2022, and if she is able to provide sufficient verification of her income within 30 days of that date, she will be potentially eligible as of the application date, otherwise, she will be potentially eligible as of the date she complies with the application process. Department of Health and Human Services Bridges Administrative Manual (BAM) 115 (April 1, 2022), p 24. Petitioner will not be eligible for any FAP benefits until she can establish that she is eligible for those benefits.


Petitioner failed to establish that she provided the Department with the information necessary to accurately determine her eligibility for FAP benefits, and the Department denied her application based her failure to submit the necessary verification.

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 application for Food Assistance Program (FAP) benefits.

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

DHHS

Denise McCoggle
27260 Plymouth Rd
Redford, MI 48239

Wayne 15 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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██████████, MI ██████████