



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: July 29, 2022
MOAHR Docket No.: 22-002728
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, telephone hearing was held on July 27, 2022, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Jarrod Swartz.

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 ██████ ██████ 2022, the Department received Petitioner's application for Food Assistance Program (FAP) benefits where he reported being self-employed. Exhibit A, pp 8-21.
2. During a mandatory eligibility interview conducted on April 21, 2022, Petitioner reported to the Department that he was self-employed. Exhibit A, pp 22-28.
3. On April 21, 2022, the Department notified Petitioner that he was eligible for expedited Food Assistance Program (FAP) benefits effective April 11, 2022. Exhibit A, pp 32-39.
4. On April 21, 2022, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of his self-employment income and expenses by May 2, 2022. Exhibit A, pp 29-31.
5. On May 2, 2022, the Department received a copy of income and expense figures from Petitioner. Exhibit A, pp 40-43.

6. On May 10, 2022, the Department notified Petitioner that his Food Assistance Program (FAP) benefits would close effective May 1, 2022. Exhibit A, pp 47-51.
7. On June 22, 2022, the Department received Petitioner's request for a hearing protesting the denial of Food Assistance Program (FAP) benefits. Exhibit A, pp 4-7.

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 (April 1, 2022), 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, 2022), pp 1-10.

The purpose of FAP expedited service is to help the neediest clients quickly. With expedited FAP benefits, certain processing requirements and actions are deferred due to the shortened standard of promptness. Food Assistance groups that did not provide all required verifications will not be issued benefits for subsequent months until the FAP group provides the waived verification or completes a redetermination. Department of Health and Human Services Bridges Administrative Manual (BAM) 117 (January 1, 2020), pp 1-6.

Petitioner applied for FAP benefits on April 11, 2022, and the Department began issuing him expedited FAP benefits. On April 21, 2022, the Department requested that Petitioner provide verification of the self-employment income he reported on his

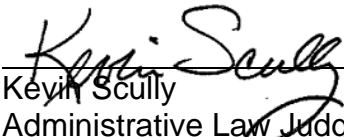
application form and during an eligibility interview. Petitioner submitted a listing of what appears to be income and expenses figures, but they are not clearly marked as being Petitioner's income, there are no dates listed, and no receipts or invoices were attached. The Department reasonably determined that the material submitted was insufficient verification of Petitioner's self-employment income and expenses. On May 10, 2022, the Department notified Petitioner that his expedited FAP benefits would close for failure to provide the Department with information necessary to determine his eligibility to receive benefits.

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 closed Petitioner's 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

Via-Electronic Mail :

DHHS
Kimberly Kornoelje
Kent County DHHS
121 Franklin SE
Grand Rapids, MI 49507

Interested Parties
Kent County DHHS
BSC3
M. Holden
D. Sweeney

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
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