



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: September 23, 2022
MOAHR Docket No.: 22-003646
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Landis Lain

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 September 22, 2022, from Lansing, Michigan. The Petitioner [REDACTED] self-represented at the hearing. The Department of Health and Human Services (Department) was represented by Tamara Jackson, Hearings Coordinator.

ISSUE

Did the Department properly cancel Petitioner's 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. Petitioner was a FAP benefit recipient.
2. The Michigan New Hires Operation Center received information that Petitioner was hired to work for [REDACTED]
3. On July 11, 2022, the Department sent Petitioner a New Hire Notice, requesting the form be filled out and returned by July 21, 2022.
4. The form was not returned.
5. On August 5, 2022, a Notice of Case Action was mailed to Petitioner indicating that her FAP benefits would be cancelled for failure to provide verification information.

6. On August 5, 2022, Petitioner requested a hearing to contest the negative action.
7. On August 30, 2022, the Michigan Office of Administrative Hearings and Rules received a Hearing Summary and attached documents.

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.

Pertinent Department policy dictates:

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Obtain verification when:

- Required by policy. Bridges Eligibility Manual (BEM) items specify which factors and under what circumstances verification is required.
- Required as a local office option. The requirement must be applied the same for every client. Local requirements may not be imposed for Medicaid Assistance (MA).
- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. If the individual indicates the existence of a disability that impairs their ability to gather verifications and information necessary to establish eligibility for benefits, offer to assist the individual in the gathering of such information. (BAM 130, page 1)

Tell the client what verification is required, how to obtain it, and the due date; see Timeliness of Verifications in this item. Use the DHS-3503, Verification Checklist (VCL), to request verification. The client must obtain required verification, but the local office must assist if they need and request help. BAM 130, page 3

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. BAM 130, page 7

Send a negative action notice when:

- The client indicates refusal to provide a verification, or
- The time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, page 7

If the client cannot provide the verification despite a reasonable effort, extend the time limit up to two times. At renewal if an individual is required to return a pre-populated renewal form, allow 30 calendar days for the form to be returned. BAM 130, page 8

Send a case action notice when:

- The client indicates refusal to provide a verification, or
- The time period given has elapsed.

Only adequate notice is required for an application denial. Timely notice is required to reduce or terminate benefits. BAM 130, pages 8-9

A written notice sent at the time a case action is affected (not pended) which specifies all of the following:

- The action being taken by the department.
- **The reason for the action.**
- The specific manual item which cites the legal basis for the action.
- An explanation of the individual's right to request a hearing.
- The circumstances under which benefits are continued if a hearing is requested. BPG Glossary, page 1

In this case, Petitioner received the forms but failed to return them to the Department. Petitioner testified that she was hired for the job but never worked one day because she had no transportation. Petitioner claims that she called and talked to the caseworker and let the caseworker know that she was not working. She did not realize that she should fill out the paperwork even if she was not working.

The Department Representative testified that the paperwork was not returned and that there was no record of a call or case note indicating that Petitioner contacted her caseworker to tell her that she was not working.


The Administrative Law Judge finds that the Department has established by the necessary competent, material and substantial evidence on the record that it was in compliance with department policy when it cancelled Petitioner's Food Assistance

Program case for failure to provide verification information. Petitioner could have filled out the paperwork and returned it or she could have had the potential employer verify that she was no longer employed.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

LL/ml



Landis Lain
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

Via Electronic Mail :

DHHS
Tamara Jaxkson
Lapeer County DHHS
1505 Suncrest Drive
Lapeer, MI 48846
**MDHHS-Lapeer-
Hearings@michigan.gov**

Interested Parties
BSC2
M. Holden
D. Sweeney
MOAHR

Via First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]