



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: October 14, 2022
MOAHR Docket No.: 22-003961
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 October 5, 2022, from Lansing, Michigan. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by Amber Gibson, Hearing Facilitator.

ISSUE

Did the Department properly determine the Petitioner's eligibility for Food Assistance Program (FAP) and Child Daycare (CDC) 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 [REDACTED] 2022, the Petitioner applied for FAP and CDC benefits. Department Exhibit 1, pgs. 10-16.
2. On June 29, 2022, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, that was due July 11, 2022, for the Petitioner to submit income verifications and verification of Voluntary Child Support amount. Department Exhibit 1, pgs. 17-19.
3. On July 18, 2022, the Department Caseworker denied the Petitioner's CDC and FAP application due to failure to provide verifications of gross income from the [REDACTED] and direct child support payments. Department Exhibit 1, pgs. 20-25.
4. On [REDACTED] 2022, the Petitioner reapplied for CDC and FAP. Department Exhibit 1, pgs. 26-34.

5. On July 26, 2022, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, that was due August 5, 2022, of verification of gross income from the [REDACTED], her work schedule showing the number of hours worked, and voluntary child support amount. Department Exhibit 1, pgs. 35-36.
6. On August 19, 2022, the Department Caseworker denied the FAP and CDC application for not returning the required verifications. Department Exhibit 1, pgs. 37-41.
7. On August 25, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

In this case, the Petitioner applied for FAP and Child Daycare (CDC) benefits on [REDACTED] 2022. Department Exhibit 1, pgs. 10-16. On June 29, 2022, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, that was due July 11, 2022, for the Petitioner to submit income verifications and verification of Voluntary Child Support amount. Department Exhibit 1, pgs. 17-19. On July 18, 2022, the Department Caseworker denied the Petitioner's CDC and FAP application due to failure to provide verifications of gross income from the [REDACTED] and direct child support payments. Department Exhibit 1, pgs. 20-25.

On [REDACTED] 2022, the Petitioner reapplied for CDC and FAP. Department Exhibit 1, pgs. 26-34. On July 26, 2022, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, that was due August 5, 2022, of verification of gross

income from the [REDACTED], her work schedule showing the number of hours worked, and voluntary child support amount. Department Exhibit 1, pgs. 35-36. On August 19, 2022, the Department Caseworker denied the FAP and CDC application for not returning the required verifications. Department Exhibit 1, pgs. 37-41. On August 25, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 500, 505, and 600. BEM 600.

During the hearing, the Hearing Facilitator stated that the Petitioner failed to provide 30 days of income and voluntary child support was not verified in the first application. In the second application, the Department seemed to think that the father of the Petitioner's children was still in the home and the application was denied for failure to provide the income for the father of the children, but could not find a verification checklist, but the Petitioner still had not provided 30 days of gross income and the voluntary child support verification. The Petitioner stated that the children's father does visit three days a week but stays in a hotel. The Petitioner was encouraged to reapply for benefits and provide the required verifications by the 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 acted in accordance with Department policy when it determined that the Petitioner failed to provide the required verifications by the due date to determine FAP and CDC eligibility.

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

CF/cc



Carmen G. Fahie
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 :

Interested Parties

MDHHS-Ingham-Hearings
BCS2-HearingDecisions
L. Brewer-Walraven
D. Sweeney
M. Holden
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
MI [REDACTED]