



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: October 14, 2022
MOAHR Docket No.: 22-004186
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 12, 2022. The Petitioner was self-represented and had Aisha Al Owmari translate. The Department of Health and Human Services (Department) was represented by Delores Bisselle, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) and Food Assistance Program (FAP) benefits for failure to verify requested information?

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, Petitioner faxed proof of income for [REDACTED] (Employer) to the Department.
2. For whatever reason, the Department did not receive it or did not place it in Petitioner's Bridges account; however, faxes are not received or processed by anyone in the local office. Local office Department staff rely on the work of employees and computer systems in other locations to ensure that any faxes are uploaded to a client's Bridges account.
3. On July 29, 2022, Petitioner and the Department completed the Redetermination interview.
4. On the same day, the Department mailed a verification checklist to Petitioner again requesting proof of earnings from Employer by August 8, 2022.

5. In the beginning of August 2022, Petitioner began making daily visits to the local Department office because she was unable to reach anyone by phone and was attempting to clarify if the Department needed any other documents. Each time she went, she was unable to see her caseworker and there was no translator available. After ten visits, she was finally able to speak with her caseworker's supervisor.
6. On August 18, 2022, the Department issued a Notice of Case Action to Petitioner informing the group that the FIP case was closing effective September 1, 2022 for failure to verify earned income as requested.
7. On August 19, 2022, the Petitioner was able to speak with her caseworker who informed Petitioner that her cases had closed because her income verification had not been received.
8. On August 22, 2022, the Department received the Verification of Employment form for Petitioner's work with Employer.
9. On September 14, 2022, the Department received Petitioner's request for hearing disputing the closure of both FIP and FAP.
10. Using subsequent processing, the Department continued Petitioner's FAP benefits after receiving the employment verifications.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

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.

In this case, Petitioner's FAP and FIP benefits were closed for failure to verify income. Policy requires that the Department verify non-excluded income at application. BEM 501 (July 2022), p. 10; BEM 500 (April 2022), pp. 13-14; BAM 130 (January 2022), p. 1.

Verifications are due at the time of the Redetermination interview or ten days from when the verifications are requested. BAM 210 (April 2022), pp. 17-18. As of the Redetermination interview date, the Department clearly had not received the verification of income because the Department issued the VCL the same day requesting proof of these items. This should have triggered concern for Petitioner because by this time she had already submitted the requested information. Based upon Petitioner's actions in first attempting to call her case worker, and then making daily attempts to see her caseworker at the local office, she was concerned and was trying to rectify the problem.

Per policy, the Department is required to assist a client whenever assistance is requested with sensitivity to clients who are not fluent in English. BAM 105 (April 2022), p. 15. Furthermore, the Department is required to provide interpreters for individuals with limited English proficiency to afford the individual with an equal opportunity to participate in Department programs. BAM 105, p. 16. Interpreters are to be available at all phases of the service process including telephone inquiries, interviews, service delivery, complaints, etc. *Id.* Given Petitioner's repeated visits to the local office and each time being unable to speak with her caseworker or have an interpreter available to assist her, the Department did not properly close Petitioner's cases for failure to verify requested information because the Department failed to assist client as required by policy.

Although the Department testified that Petitioner's FAP case was reopened with subsequent processing applied, no evidence was presented as to whether there was a lapse in benefits for Petitioner as it relates to her FAP 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 did not act in accordance with Department policy when it closed Petitioner's FIP and FAP benefits for failure to verify income.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's FIP eligibility effective September 1, 2022;
2. If there was a lapse in Petitioner's FAP coverage even after the subsequent processing was utilized to reopen Petitioner's FAP case, redetermine Petitioner's FAP eligibility effective as of the closure date;

3. If otherwise eligible, issue FIP and FAP supplements to Petitioner for benefits not previously received; and,
4. Notify Petitioner in writing of its decision.

AMTM/cc



Amanda M. T. Marler
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-Wayne-17-Hearings
BSC4-HearingDecisions
B. Sanborn
D. Sweeney
M. Holden
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
MI [REDACTED]