



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: November 23, 2022  
MOAHR Docket No.: 22-004831  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Colleen Lack**

### **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 November 17, 2022, from Lansing, Michigan. [REDACTED], the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by April Sprague, Hearing Facilitator.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-40.

### **ISSUES**

Did the Department properly close Petitioner's Food Assistance Program (FAP) case?

Did the Department properly deny Petitioner's [REDACTED], 2022 FAP application?

### **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 July 1, 2022, a Semi-Annual Contact form was sent to Petitioner with a due date of July 21, 2022. It was noted that the FAP benefits would end if Petitioner did not submit the form. (Exhibit A, pp. 3 and 10)
2. On August 10, 2022, a Notice of Food Assistance Closure was sent to Petitioner notifying her that the FAP case would close effective August 31, 2022 because she had not returned a completed Semi-Annual Contact form. (Exhibit A, pp. 11-12)

3. On August 31, 2022, Petitioner's FAP case closed as the Semi-Annual Contact form had not been returned. (Exhibit A, p. 39)
4. On [REDACTED], 2022, Petitioner applied for FAP. (Exhibit A, pp. 13-21)
5. On September 19, 2022, an Appointment Notice was sent to Petitioner scheduling the required FAP interview for September 26, 2022 between 1:00 and 3:00 pm. (Exhibit A, p. 22)
6. On September 26, 2022, the FAP interview was completed. (Exhibit A, pp. 23-29)
7. On September 26, 2022, a Verification Checklist was issued to Petitioner requesting verification of: Petitioner's disability; Petitioner's adult daughter's blood plasma donation; and Petitioner's self-employment. (Exhibit A, pp. 30-32)
8. On October 5, 2022, the Department received: a letter from Petitioner requesting assistance with providing proof of her disability; and a letter from Petitioner's adult daughter stating she was no longer donating plasma. (Exhibit A, pp. 33-35)
9. On October 13, 2022, a Notice of Case Action was sent approving expedited FAP for September 13-30, 2022 and denying FAP for October 1, 2022 and ongoing based on a failure to submit verifications regarding disability, self-employment income, and the plasma donation. (Exhibit A, pp. 36-38)
10. On [REDACTED], 2022, Petitioner filed a hearing request contesting the Department's determinations. (Exhibit A, pp. 6-8)

### **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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. Bridges Administrative Manual (BAM) 105, April 1, 2022, p. 9.

The Department must periodically re-determine or renew an individual's eligibility for active programs. The redetermination/renewal process includes a thorough review of all eligibility factors. Redetermination, renewal, semi-annual and mid-certification forms are often used to re-determine eligibility of active programs. BAM 210, April 1, 2022, p. 1.

Bridges sends a MDHHS-1046, Semi-Annual Contact Report, the beginning of the fifth month for cases assigned a 12-month benefit period. BAM 210, April 1, 2022, p. 11.

If the MDHHS-1046 is not logged in Bridges by the 10th day of the sixth month, Bridges will generate a MDDHS-1046-A, Notice of Food Assistance (FAP) Closure, to the client. This reminder notice explains that the client must return the MDHHS-1046 and all required verifications by the last day of the month, or the case will close. If the client fails to return a complete MDHHS-1046 by the last day of the sixth month. Bridges will automatically close the case. BAM 210, April 1, 2022, pp. 14-15.

In general, verification is to be obtained when information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. The Department must tell the client what verification is required, how to obtain it, and the due date. The client must obtain required verification, but the Department must assist if the client needs and requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department should use the best available information. If no evidence is available, the Department is to use their best judgment. BAM 130, January 1, 2022, pp. 1-3.

For FAP, the Department must allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. The Department is to 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. If the client contacts the Department prior to the due date requesting an extension or assistance in obtaining verifications, the Department is to assist the client with the verifications, but not grant an extension. The Department is to explain to the client they will not be given an extension and their case will be denied once the VCL due date is passed. Also, explain that their eligibility will be determined based on their compliance date if they return required verifications. BAM 130, January 1, 2022, p. 7.

In this case, Petitioner's prior FAP benefit case closed because a completed Semi-Annual Contact Report was not returned by the July 21, 2022 due date or by August 31, 2022. (Exhibit A, p. 40) Accordingly, the August 31, 2022 closure of Petitioner's FAP case was in accordance with the above cited BAM 210 policy.

Petitioner's [REDACTED], 2022 FAP application was denied based on a failure to submit all requested verifications. On September 26, 2022, a Verification Checklist was issued to Petitioner requesting verification of: Petitioner's disability; Petitioner's adult daughter's blood plasma donation; and Petitioner's self-employment. (Exhibit A, pp. 30-32)

The Hearing Facilitator acknowledged that the Department erred by requesting verification of disability for Petitioner because Petitioner reported she was not disabled during the September 26, 2022 interview. (Exhibit A, p. 4; Hearing Facilitator Testimony) The Department also acknowledged that a written statement was provided by Petitioner's adult daughter stating she was no longer donating plasma. (Exhibit A, p. 30-32)


However, the denial was still in accordance with the BAM 130 policy based on the failure to provide verification of Petitioner's self-employment. Petitioner's testimony indicated she did not provide anything in response to this portion of the Verification Checklist. Petitioner indicated she does not do much record keeping and did not know what to provide as verification of her self-employment. (Petitioner Testimony) Accordingly, the denial of Petitioner's [REDACTED], 2022 FAP application must be upheld as Petitioner did not provide the requested verification of Petitioner's self-employment. As discussed, Petitioner has another FAP application pending and may wish to contact her current caseworker to address any questions about providing verification of self-employment.

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 FAP benefit case and when it denied Petitioner's [REDACTED], 2022 FAP application.

#### **DECISION AND ORDER**

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

CL/tm

  
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**Colleen Lack**  
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**  
Janice Collins  
Genesee County DHHS Union St  
District Office  
125 E. Union St 7th Floor  
Flint, MI 48502  
**MDHHS-Genesee-UnionSt-  
Hearings@michigan.gov**

**Interested Parties**

M. Holden  
D. Sweeney  
BSC2  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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