



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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[REDACTED] MI [REDACTED]

Date Mailed: December 15, 2022
MOAHR Docket No.: 22-005312
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 December 12, 2022. The Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) was represented by Michelle Collins, Eligibility Specialist.

ISSUE

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

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 an ongoing recipient of FAP.
2. On August 9, 2022, MDHHS issued a Wage Match Notice to Petitioner, informing her that the Michigan Talent Investment Agency indicated that Petitioner was employed with Sentech Specialty Employment Services (Employer). MDHHS requested that Employer complete a Wage Verification and return it to MDHHS by September 8, 2022 or Petitioner would face closure of FAP (Exhibit A, pp. 7-9).
3. On [REDACTED] 2022, a Notice of Case Action was issued to Petitioner, informing her that her FAP case was closed for failure to timely return the Wage Verification.
4. On November 10, 2022, Petitioner informed her MDHHS Caseworker that Employer was closed and she had not worked there since February 2022.

5. On [REDACTED] 2022, Petitioner applied for FAP. MDHHS used this application as a redetermination of FAP eligibility.
6. On November 10, 2022, MDHHS received Petitioner's timely submitted hearing request disputing the closure of her FAP case (Exhibit A, pp. 3-5).

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.

In this case, Petitioner's FAP case was closed for failure to return a Wage Verification following a Wage Match database search.

MDHHS routinely matches recipient employment data with the Michigan Department of Labor and Economic Opportunity (LEO) and the Unemployment Insurance Agency (UIA) through computer data exchange processes. Information provided with MDHHS applications inform clients of the data exchange process. These data exchanges assist in the identification of potential current and past employment income. To conduct the search, MDHHS submits client Social Security Numbers to LEO quarterly to be cross matched with the work history records submitted by Michigan employers. This information is compared to the client's gross earnings record in Bridges. MDHHS requests verification of the wage match earnings by generating a Wage Match Client Notice from Bridges, giving the client 30 days to provide verification. BAM 802 (April 2022), pp. 1-2. Wage match information must be resolved within 45 calendar days of receiving the wage match task and reminder. BAM 802, p. 3. The client must obtain required verification, but the local office must assist if they need and request help. If neither the client nor the local office can obtain verification despite a reasonable effort, use the best available information. BAM 130 (January 2022), p. 3.

In this case, MDHHS conducted a wage match database search, discovering that Petitioner worked for Employer. MDHHS then issued a Wage Match Client Notice to Petitioner on August 9, 2022, requesting Employer complete a Wage Verification. On [REDACTED] 2022, MDHHS informed Petitioner that her FAP case would be closed for failure to return the Wage Verification timely. Petitioner testified that she informed her caseworker on or about November 10, 2022 that Employer was closed and she

could not complete the required Wage Verification. Petitioner acknowledged that she did not inform her caseworker that she was unable to complete the required verification prior to this time. Therefore, MDHHS acted in accordance with policy in closing Petitioner's FAP case for failure to timely return the required Wage Verification, which is required to determine Petitioner's eligibility for FAP.

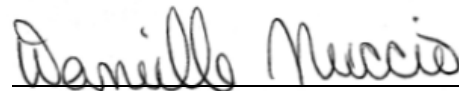
Upon Petitioner notifying her caseworker that Employer was closed, MDHHS should then have provided Petitioner assistance in retrieving Employer income information; however, they did not do that until searching the Work Number database on or about November 14, 2022. On [REDACTED] 2022, MDHHS received Petitioner's hearing request, disputing that her FAP case was denied. Clients have the right to contest a MDHHS decision affecting eligibility or benefit levels whenever they believe the decision is incorrect. MDHHS provides an administrative hearing to review the decision and determine its appropriateness in accordance to policy. BAM 600 (March 2021), p. 1. Petitioner was advised at the hearing that only MDHHS decisions as of the date of the hearing request are able to be reviewed by administrative hearing. MDHHS did advise Petitioner that certain errors were made in her case and will be reviewed by the Eligibility Specialist.

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 case for failure to return the required Wage Verification.

DECISION AND ORDER

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

DN/mp



Danielle Nuccio
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
MDHHS-Wayne-55-Hearings
D. Sweeney
M. Holden
MOAHR
BSC4

Via-First Class Mail :

Petitioner

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