



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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██████████, MI ██████████

Date Mailed: December 19, 2022
MOAHR Docket No.: 22-005374
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 hearing was held on December 15, 2022 via teleconference. Petitioner appeared and represented herself. Williams McCree, Eligibility Specialist, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUE

Did MDHHS properly deny Petitioner's application for 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. On ██████████, 2022, Petitioner applied for FAP benefits on behalf of herself and her minor child (Exhibit A, pp. 8-9).
2. On August 1, 2022, MDHHS sent Petitioner a Verification Checklist (VCL) requesting proof of her income, proof of loss of income and proof of child support (Exhibit A, pp. 17-18). The VCL indicated that proofs were due by August 11, 2022 (Exhibit A, p. 17).
3. On August 5, 2022, Petitioner provided MDHHS with several documents in response to the VCL, including proof of child support payments and a letter from her former employer stating that she no longer worked there.

4. On August 18, 2022, MDHHS sent Petitioner a Notice of Case Action indicating that her application for FAP was denied for failure to return verification of income (Exhibit A, p. 23). The notice informed Petitioner of her right to appeal MDHHS' decision and stated that the appeal must be received on or before November 16, 2022 (Exhibit A, p. 24).
5. On [REDACTED], 2022, Petitioner filed a Request for Hearing to dispute the denial of her application for FAP benefits (Exhibit A, pp. 4-6).

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. MDHHS 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, MDHHS denied Petitioner's application for FAP for failing to return the requested verifications by the deadline.

MDHHS is required to obtain verification when it is required by policy or information is unclear or incomplete. BAM 130 (January 2022), p. 1. To obtain verification, MDHHS must tell the client what verification is required, how to obtain it and the due date. *Id.*, p. 3. MDHHS is required to use a VCL to request verification from clients. *Id.* The client must obtain the requested verification, but the local office must assist the client if they need and request help. *Id.*, p. 3. If neither the client nor the local office can obtain verification despite a reasonable effort, MDHHS must use the best available information. *Id.* If no evidence is available, MDHHS must use its best judgement. *Id.*

MDHHS allows the client ten calendar days to provide the requested verification. *Id.*, p. 7. Verifications are considered timely if received by the date that they are due. *Id.* MDHHS sends a negative action notice when the client indicates a refusal to provide the requested verification or the time period given on the VCL has lapsed and the client has not made a reasonable effort to provide the information. *Id.* For FAP, if the client contacts MDHHS prior to the due date requesting an extension or assistance in obtaining verifications, MDHHS is required to assist the client but may not grant an extension. *Id.* If the client returns the requested verifications after the due date, eligibility will be determined based on the compliance date, following subsequent processing rules. *Id.*

The record shows that MDHHS requested verification of Petitioner's income and child support payments and that the proofs were due by August 11, 2022 (Exhibit A, pp. Exhibit A, pp. 17-18). At the hearing, MDHHS acknowledged that it received proof of the child support payments and a letter from Petitioner's former employer stating that she no longer worked there. Petitioner testified that she stopped working at that employer in June 2022. MDHHS testified that the only verification that was missing was a check stub from that employer. However, it is unclear why MDHHS needed a dated check stub when the employment stopped before Petitioner filed an application for assistance. Additionally, Petitioner testified that she provided all the documents that she could in response to the VCL and that she contacted her caseworker several times for assistance, but no assistance was provided.

Based on the evidence provided, Petitioner made a reasonable effort to comply with the VCL by the deadline. There was no evidence that Petitioner refused to cooperate. There was evidence that MDHHS failed to provide Petitioner with assistance when requested. Therefore, 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 MDHHS did not act in accordance with Department policy when it denied Petitioner's application for FAP benefits.

DECISION AND ORDER

Accordingly, MDHHS' decision is **REVERSED**.

MDHHS 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. Reregister Petitioner's [REDACTED], 2022 application for FAP benefits;
2. Redetermine Petitioner's eligibility for FAP benefits from [REDACTED] 2022 ongoing;
3. Issue supplements to Petitioner for any benefits that she was entitled to receive but did not, from [REDACTED] 2022 ongoing; and
4. Notify Petitioner of its decision in writing.

LJ/tm



Linda Jordan
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
Denise McCoggle
Wayne-Greydale-DHHS
27260 Plymouth Rd
Redford, MI 48239
**MDHHS-Wayne-15-Greydale-
Hearings@michigan.gov**

Interested Parties
M. Holden
D. Sweeney
BSC4

Via-First Class Mail :

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