



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]  
[REDACTED], MI [REDACTED]

Date Mailed: January 6, 2023  
MOAHR Docket No.: 22-005628  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 January 5, 2023 via teleconference. Petitioner appeared and represented herself. Roshanda Ruffin, Assistance Payments Supervisor, and Daniel Alter, Assistance Payments Worker, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

### **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 benefits.
2. On December 10, 2021, MDHHS sent Petitioner a Verification Checklist (VCL) requesting proof of her adoption subsidy (Exhibit A, p. 5). Specifically, the VCL requested a recent check stub or letter or document from the person or agency making the payment (Exhibit A, p. 5). The VCL indicated that the proofs were due by December 20, 2021 (Exhibit A, p. 5).
3. On August 30, 2022, MDHHS sent Petitioner a Notice of Case Action indicating that her FAP case would close effective October 1, 2022 ongoing (Exhibit A, p. 8). The reason given for the closure was that verification of unearned income was not returned (Exhibit A, p. 9).

4. On November 21, 2022, Petitioner submitted a Request for Hearing to challenge the closure of her FAP case (Exhibit A, pp. 3-4).

### **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 closed Petitioner's FAP case for failure to return verification of unearned income, and more specifically, verification of an adoption subsidy that Petitioner receives.

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 it. *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, eligibility will be determined based on the compliance date, following subsequent processing rules. *Id.*

At the hearing, MDHHS testified that Petitioner's FAP case was closed because she failed to return verification of her adoption subsidy. MDHHS further stated that it requested verification of the adoption subsidy in December 2021 and that Petitioner's case was in a "standstill" following that request, until the case closure in October 2022. Petitioner testified that she submitted bank statements in the past showing the amount of the adoption subsidy and that she thought the bank statements satisfied MDHHS'

request. Additionally, once she found out that there was problem with her case, she contacted MDHHS numerous times to ascertain what other information was needed. On September 7, 2022, Petitioner submitted additional proof of the adoption subsidy by bringing a letter to her local MDHHS office. Subsequently, MDHHS told her that it did not receive the document and she faxed another copy to the local office.

There is no evidence in the record that MDHHS informed Petitioner that the proof of the adoption subsidy that she submitted was insufficient. MDHHS is required to tell clients specifically what verification is needed, how to obtain it and when the verification is due. See *generally*, BAM 130. In this case, MDHHS failed to properly inform Petitioner that the information that she submitted was insufficient and what additional information was needed. Based on the evidence presented, Petitioner was acting diligently in her attempt to comply with MDHHS' request for information.

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 closed Petitioner's FAP case.

### **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. Reinstate Petitioner's FAP case, effective October 1, 2022 ongoing;
2. Redetermine Petitioner's eligibility for FAP benefits from October 1, 2022 ongoing, requesting additional information from Petitioner, if necessary;
3. Issue supplements for an FAP benefits that Petitioner was entitled to receive, but did not from October 1, 2022 ongoing; and
4. Notify Petitioner of its decision in writing.



LJ/tm

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**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**  
Richard Latimore  
Wayne-Conner-DHHS  
4733 Conner  
Detroit, MI 48215  
**MDHHS-Wayne-57-  
Hearings@michigan.gov**

**Interested Parties**

M. Holden  
D. Sweeney  
BSC4

**Via-First Class Mail :**

**Petitioner**

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