



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
MI [REDACTED]

Date Mailed: February 3, 2023
MOAHR Docket No.: 22-006238
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 January 25, 2023, from Lansing, Michigan. [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Colleen McKenna, Eligibility Specialist.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-34.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefit 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's FAP case was due for review in October 2022. (Exhibit A, p. 1)
2. On September 26, 2022, Petitioner submitted a Redetermination form. (Exhibit A, pp. 8-15)
3. On October 3, 2022, an interview was completed with Petitioner. At that time Petitioner worked at [REDACTED]. (Exhibit A, pp. 16-22)
4. On October 13, 2022, Petitioner reported that she had accepted a new full-time job and submitted a screen shot from her phone labeled as an acceptance job letter

email from [REDACTED] The screen shot was entirely black and not legible. (Exhibit A, pp. 23-24)

5. On October 19, 2022, a Verification Checklist was issued to Petitioner requesting verification of unknown employment income by an October 31, 2022 due date. A Quick Note was also issued explaining that the screen shot was not legible and what the Department requires for verification of income for this new employment as well as the status of her employment with [REDACTED]. (Exhibit A, pp. 25-28)
6. On November 14, 2022, a Notice of Case Action was issued to Petitioner stating the FAP case would close effective December 1, 2022, based on the failure to provide requested verification. (Exhibit A, pp. 29-34)
7. On December 22, 2022, Petitioner verbally requested a hearing contesting the Department's determination. (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 general, verification is to be obtained when: required by policy; required as a local office option; and when information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. Verification is usually required at application and at redetermination as well as 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. Verifications are considered timely if received by the date they are due. 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 specialist is to assist the client with the verifications but cannot grant an extension. The specialist is to explain to the client they will not be given an extension and their case will be denied once the Verification Checklist Due date is passed. Also, explain that eligibility will be determined based on their compliance date if they return required verifications. The Department is to re-register the application if the client complies within 60 days of the application date; see BAM 115, Subsequent Processing. BAM 130, p. 7.

The Michigan Department of Health & Human Services (MDHHS) must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes thorough review of all eligibility factors. BAM 210, April 1, 2022, p. 1. For FAP, an interview is required before denying a redetermination even if it is clear from the MDHHS-1010 or MDHHS-1171 or other sources that the group is ineligible. BAM 210, p. 5.

The group loses its right to uninterrupted FAP benefits if it fails to do any of the following: file the FAP redetermination by the timely filing date; participate in the scheduled interview; or submit verifications timely, provided the requested submittal date is after the timely filing date. BAM 210, p. 22. If a client files an application for redetermination before the end of the benefit period, but fails to take a required action, the case is denied at the end of the benefit period. BAM 210, p. 22.

On September 26, 2022, Petitioner submitted a Redetermination form. (Exhibit A, pp. 8-15) On October 3, 2022, an interview was completed with Petitioner. At that time Petitioner worked at [REDACTED]. (Exhibit A, pp. 16-22).

On October 13, 2022, Petitioner reported that she had accepted a new full-time job and submitted a screen shot from her phone labeled as an acceptance job letter email from [REDACTED]. The screen shot was entirely black and not legible. (Exhibit A, pp. 23-24). Accordingly, on October 19, 2022, a Verification Checklist was issued to Petitioner requesting verification of unknown employment income by an October 31, 2022 due date. A Quick Note was also issued explaining that the screen shot was not legible and what the Department requires for verification of income for this new employment as well as the status of her employment with [REDACTED]. (Exhibit A, pp. 25-28). On November 14, 2022, a Notice of Case Action was issued to Petitioner stating the FAP case would close effective December 1, 2022, based on the failure to provide requested verification. (Exhibit A, pp. 29-34).

Petitioner noted that she promptly turned in the information needed for the redetermination. Petitioner has been very honest and tried to report actively and accurately as soon as she could. Petitioner reported the [REDACTED] employment after the interview and accepting employment with them. However, Petitioner had to put in a two-week availability change with [REDACTED]. Petitioner was going to be working two jobs, lowering her hours at [REDACTED]. This was all put into the screen shot she thought was legible. Petitioner indicated there were problems with her MiBridges

account, which she had been reporting to the Department since April. Petitioner has six children and is also going through a divorce and custody battle. The FAP benefits help to provide for her family. (Petitioner Testimony).

Petitioner testified that mail sent to her was fraudulently stolen. Petitioner indicated she has applied for three PPO requests in reference to her husband, who was withholding mail that was going to her prior address. Petitioner's husband was also coming to her secondary address. Petitioner indicated the Department continued to send mail to her prior address after they were notified to utilize her secondary address. Mail from the Department was also sent to a third address, her grandparent's home, where she was staying when the divorce started. Petitioner testified that ultimately, she lost the employment with [REDACTED] so she end up having nothing to report. Petitioner noted that her case would have been fine had she not been proactive in reporting the employment she accepted with [REDACTED] (Petitioner Testimony).

The Department properly requested verification when the documentation submitted regarding the reported new job was not legible. Once the new employment information was reported, verification was needed to complete the redetermination. The October 19, 2022, Verification Checklist was issued to Petitioner at the [REDACTED] address. (Exhibit A, p. 23). Petitioner provided that address on the September 26, 2022 Redetermination. (Exhibit A, p. 8). Petitioner also verified her address during the October 3, 2022 interview. (Exhibit A, p. 16). The Department did not receive anything in response to the October 19, 2022 Verification Checklist.

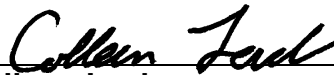
Pursuant to the above cited BAM 210 policy, a FAP group loses its right to uninterrupted FAP benefits in this circumstance. Petitioner timely filed the Redetermination and completed the interview. However, when additional verification was requested, the Department did not receive any response from Petitioner. Accordingly, Petitioner failed to take a required action and the case was denied at the end of the benefit period.

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 based on the information available at that time.

DECISION AND ORDER

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

CL/ml



Colleen Lack
Administrative Law Judge

