



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: May 10, 2023  
MOAHR Docket No.: 23-001955  
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 May 3, 2023 via teleconference. The Petitioner appeared and represented himself. Morgen Nelson, 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 March 1, 2023, Petitioner submitted a FAP application and reported that his son and household member (Son) had earned income (Exhibit A, pp. 8-13).
2. On March 14, 2023, MDHHS sent Petitioner a Verification Checklist (VCL) requesting proof of Son's wages (Exhibit A, p. 18). The VCL requested one of the following: last 30 days of check stubs, employer statement, DHS-38 Verification of Employment or DHS-3569 Agricultural Income Verification (Exhibit A, p. 18). The VCL indicated that the requested proof was due to MDHHS by March 24, 2023 (Exhibit A, p. 18).
3. On March 24, 2023, Petitioner delivered three of Son's check stubs to a local MDHHS office. The check stubs covered a period of three weeks.

4. On March 28, 2023, MDHHS sent Petitioner a Notice of Case Action indicating that his application for FAP was denied because verification of earned income was not returned (Exhibit A, pp. 21-24).
5. On April 5, 2023, Petitioner filed a Request for Hearing to dispute the denial of his FAP application (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 because he failed to provide 30 days of check stubs for Son by the deadline listed on the VCL. MDHHS stated that Petitioner supplied MDHHS with three check stubs for Son, which covered one week each, and thus, it was missing one check stub. After the denial, it is undisputed that Petitioner provided a fourth check stub to MDHHS on April 13, 2023 and Petitioner's application was approved, effective April 13, 2023 ongoing, pursuant to subsequent processing rules. At the hearing, Petitioner confirmed that the only remaining dispute was the initial denial of the FAP application.

MDHHS must obtain verification when it is required by policy or information is unclear or incomplete. BAM 130 (January 2022), p. 1. Verification is usually required at application/redetermination and when a reported change affects eligibility or benefit level. *Id.* To obtain verification, MDHHS must tell the client what verification is required, how to obtain it and the due date. *Id.*, p. 3. 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 information 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.* Before making a final determination regarding eligibility, MDHHS must give clients

a reasonable opportunity to resolve any discrepancies between their statements and information from another source. *Id.*, p. 9.

Here, MDHHS denied Petitioner's FAP application because it did not receive 30 days of check stubs for Son by the deadline listed on the VCL. MDHHS required this information to properly calculate the earned income for the household. *See generally*, BEM 500-505. Petitioner testified that he provided MDHHS with three of Son's check stubs covering one week each by the deadline. However, he did not provide 30 days of check stubs as requested. No evidence was presented that Petitioner contacted MDHHS for assistance in obtaining the verification by the deadline. Because he did not comply with the verification request by the deadline, MDHHS properly denied his application for FAP.

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 acted in accordance with Department policy when it denied Petitioner's FAP application.

### **DECISION AND ORDER**

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

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**  
Chelsea McCune  
Macomb County DHHS Warren Dist.  
13041 E 10 Mile  
Warren, MI 48089  
**MDHHS-Macomb-20-  
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**Interested Parties**  
M. Holden  
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**Via-First Class Mail :**

**Petitioner**  
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