



GRETCHEN WHITMER
GOVERNOR

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

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DIRECTOR

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Date Mailed: August 3, 2023
MOAHR Docket No.: 23-003539
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 July 24, 2023 via teleconference. Petitioner appeared and represented himself. Thomas Suggitt, Eligibility Specialist, and Julie Parrish, Assistance Payments Worker, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS Department).

ISSUE

Did MDHHS properly terminate Petitioner's 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. Petitioner was an ongoing recipient of FAP benefits.
2. On May 19, 2023, MDHHS sent Petitioner a New Hire Client Notice indicating that it received information that he started working at ██████████ (Employer) and requesting that Petitioner return the enclosed form and provide paystubs evidencing his employment by May 30, 2023 (Exhibit A, pp. 5-7).
3. On June 2, 2023, MDHHS sent Petitioner a Notice of Case Action indicating that his FAP benefits would be terminated, effective July 1, 2023 ongoing, for failure to verify the requested information (Exhibit A, pp. 9-10).
4. On June 20, 2023, Petitioner requested a hearing to dispute the closure of his FAP case (Exhibit A, p. 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 terminated Petitioner's FAP benefits because he failed to verify his employment information by the deadline.

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.

MDHHS received information that Petitioner started working at Employer. Accordingly, it sent a New Hire Client Notice to Petitioner at his address of record. MDHHS testified that it did not receive the New Hire Client Notice form or paystubs that it needed to verify Petitioner's employment by the deadline and had not received the information as of the date of the hearing. Petitioner testified that he did not receive the notice and was having problems receiving his mail due to a dispute with a neighbor and was taking steps to obtain a P.O. Box at the post office. Nevertheless, the record shows that MDHHS acted in accordance with policy by sending the notice to the address on record and followed protocol when it closed Petitioner's case after not receiving the information by the deadline. There's no evidence in the record that Petitioner contacted MDHHS for assistance or provided the requested information at any time prior to the hearing. At the hearing, Petitioner was advised that he may reapply for FAP at any time.

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 closed Petitioner's FAP case.

DECISION AND ORDER

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



Linda Jordan
Administrative Law Judge

LJ/tm

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
Kimberly Kornoelje
Kent County DHHS
121 Franklin SE
Grand Rapids, MI 49507
**MDHHS-Kent-
Hearings@michigan.gov**

Interested Parties
M. Holden
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BSC3

Via-First Class Mail :

Petitioner
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