



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: August 21, 2023  
MOAHR Docket No.: 23-003721  
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 August 16, 2023 via teleconference. Chandra Hoel, Petitioner's Power of Attorney and Authorized Hearing Representative (AHR) appeared on behalf of Petitioner (Exhibit 1, pp. 1-10). Sheila Crittenden, Family Independence Manager, and Ashley Warner, Assistance Payments Supervisor, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or 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 January 20, 2023, Petitioner submitted a FAP Redetermination to MDHHS (Exhibit A, p. 3).
3. On March 22, 2023, MDHHS sent Petitioner a Verification Checklist (VCL) requesting proof of Petitioner's Veterans Affairs (VA) benefits (Exhibit A, p. 15). The VCL indicated that proofs were due by April 4, 2023 (Exhibit A, p. 15). The VCL also stated that Petitioner could lose his benefits if proofs were not returned by the deadline and to contact MDHHS for assistance (Exhibit A, p. 15).

4. On April 13, 2023, MDHHS sent Petitioner a Notice of Case Action indicating that his FAP case was closed, effective March 1, 2023 ongoing, for failing to return verification of unearned income (Exhibit A, pp. 18-19).
5. On June 15, 2023, Petitioner requested a hearing to dispute the termination of his FAP benefits (Exhibit A, p. 1).

### **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 requested verifications regarding VA benefits by the deadline.

MDHHS is required to obtain verification when it is required by policy or information is unclear or incomplete. BAM 130 (January 2023), 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.* Before determining program eligibility, MDHHS must give the client a reasonable opportunity to resolve any discrepancy between the client's statement and another source. *Id.*, p. 9.

At the hearing, MDHHS testified that it did not receive verification of Petitioner's VA benefits by the deadline, and therefore, it closed Petitioner's case. AHR testified that they were having trouble obtaining an award letter from the VA. AHR also testified that she told MDHHS about the difficulty, but not until after the deadline had passed and the benefits had been terminated. MDHHS testified that it did not know that Petitioner needed assistance prior to the deadline on the VCL. MDHHS is required to provide assistance if the client needs and requests it. However, the record shows that neither Petitioner nor AHR requested assistance prior to the deadline. Because it did not receive the documentation or a request for assistance by the deadline, MDHHS sent a Notice of Case Action indicating that the benefits were terminated according to policy and Petitioner's FAP case was closed.

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**.



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**Linda Jordan**  
Administrative Law Judge

LJ/tm

