



STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA  
ACTING DIRECTOR

[REDACTED]  
MI [REDACTED]

Date Mailed: October 12, 2023  
MOAHR Docket No.: 23-004197  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm**

**HEARING DECISION**

On July 25, 2023, Petitioner, [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) closure. Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on October 10, 2023. Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Veda Smith, Assistance Payments Worker, and Ryan Clemons, Family Independence Manager, appear as its representatives. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 35-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

**ISSUE**

Did the Department properly close Petitioner's 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 July 7, 2023, Petitioner called the Department to check on the status of her FAP benefits, and Petitioner reported to the Department that she was no longer employed by [REDACTED]
2. On July 7, 2023, the Department mailed an employment verification form to Petitioner. The form instructed Petitioner to give the form to her former employer

to complete, and the form instructed Petitioner to return the completed form to the Department by July 17, 2023.

3. On July 18, 2023, Petitioner called the Department and asked for extension of time to provide the employment verification. Petitioner advised the Department that she would deliver the employment verification to the Department the following day.
4. On July 25, 2023, Petitioner returned the employment verification form to the Department, but it was not completed by [REDACTED] Petitioner completed the form herself.
5. On July 28, 2023, the Department mailed a notice of case action to Petitioner to notify her that her FAP benefits closed effective September 1, 2023, because verification of loss of employment was not returned as instructed.
6. Petitioner requested a hearing to dispute the Department's decision.

### **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) 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 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, Petitioner is disputing the Department's decision to close her FAP benefits. The Department closed Petitioner's FAP benefits because Petitioner did not return the employment verification form completed by [REDACTED] as instructed by the Department.

Verification is usually required by the Department at the time of application/redetermination or for a reported change affecting eligibility or benefit level. BAM 130 (January 1, 2023), p. 1. The Department must tell a client what verification is required, how to obtain it, and the due date. *Id.* at p. 3. The Department must allow the client 10 calendar days to provide requested verification. *Id.* at p. 7. The client must obtain the verification, but the local office must assist if the client needs it and asks for help. *Id.* Verifications are only considered timely if they are received by the due date. *Id.* The Department must send a Negative Action Notice when the client refuses to provide the verification, or the client has failed to provide the verification by the due date. *Id.*

The Department requested verification from Petitioner because the Department needed additional information to redetermine Petitioner's eligibility for FAP benefits after Petitioner reported that she was no longer employed. The Department properly instructed Petitioner what verification was required, how to obtain it, and the due date. The Department also properly allowed Petitioner 10 calendar days to provide the verification. It was Petitioner's responsibility to provide the verification to the Department by the due date. When the Department did not receive the verification by the due date, the Department properly closed Petitioner's FAP benefits because Petitioner failed to provide the verification by the due date.

Additionally, when Petitioner returned the form to the Department, the form was not completed as instructed because it was completed by Petitioner rather than by [REDACTED]. Thus, even though Petitioner requested an extension and returned the verification form to the Department, the verification form that was returned did not contain the information that the Department requested. Therefore, the Department properly determined that Petitioner failed to provide the verification, and the Department properly closed Petitioner's FAP benefits.

#### **DECISION AND ORDER**

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 did act in accordance with its policies and the applicable law when it closed Petitioner's Food Assistance Program benefits.

IT IS ORDERED, the Department's decision is **AFFIRMED**.

JK/ml



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**Jeffrey Kemm**  
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**

Trista Waishkey  
Washtenaw County DHHS  
22 Center Street  
Ypsilanti, MI 48198

**MDHHS-Washtenaw-Hearings@michigan.gov**

**Interested Parties**

BSC4  
M Holden  
D Sweeney  
MOAHR

**Via First Class Mail:**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]