



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

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Date Mailed: October 13, 2023
MOAHR Docket No.: 23-004889
Agency No.: ██████████
Petitioner: ██████ ██████

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 October 3, 2023, from Lansing, Michigan. ██████ ██████ the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Tom Jones, Assistance Payments Supervisor (APS).

ISSUE

Did the Department properly deny Petitioner’s application for Food Assistance Program (FAP) and Family Independence Program (FIP) 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 May █ 2023, a Wage Match Client Notice was issued to Petitioner requesting verification of her income from employment with ██████ ██████ Schools with a due date of June 5, 2023. (Exhibit A, pp. 15-17)
2. On June █ 2023, Petitioner applied for FAP and FIP. (Exhibit A, p. 1)
3. On June █ 2023 a Verification Checklist was issued to Petitioner requesting verification of: school attendance for household member M.K; income for the last 30 days; residential address; savings account; and relationship for household member M.K. The due date to provide the requested verifications was July 10, 2023. (Exhibit A, pp. 5-6)

4. A telephone interview was scheduled for July 7, 2023 at 3:30 pm, but the Department did not call Petitioner for the interview. (Exhibit A, p. 1)
5. On July █ 2023, Petitioner contacted the Department, and an interview was completed. The need for the requested verifications was discussed. (Exhibit A, p. 1)
6. On or about July █ 2023, Petitioner sent a letter to the Department explaining when she and her husband last worked and requesting cash and food assistance benefits. (Exhibit A, p. 14)
7. On July █ 2023, the completed Wage Match Client Notice was submitted with payroll records. (Exhibit A, pp. 15-21)
8. On July █ 2023, a Notice of Case Action was issued denying FIP benefits based on a failure to provide requested verifications. (Exhibit A, pp. 29-32)
9. On July █ 2023, a Notice of Case Action was issued denying FAP and FIP benefits based on a failure to provide requested verifications. (Exhibit A, pp. 24-28)
10. On August █ 2023, a Medical Needs-PATH form was provided for household member J.K. (Exhibit A, pp. 22-23)
11. On August 8, 2023, Petitioner filed a hearing request contesting the denial of FAP and FIP benefits and provided some of the requested verifications.¹ (Exhibit A, pp. 3-13)

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

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

¹ While the hearing request is also marked regarding state emergency relief and medical assistance, there was no evidence that there were any case actions or contested issues regarding those programs. (APS Testimony).

(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 information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. Verification is usually required at application/redetermination and 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, 2023, pp. 1-4.

For FAP and FIP, the Department must allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. The Department is to send a case 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. For FIP, if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, the Department may grant an extension. For FAP if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, the Department is to assist the client with the verifications but not grant an extension. The Department 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, their eligibility will be determined based on their compliance date if they return required verifications. The Department is to reregister the application if the client complies within 60 days of the application date. BAM 130, pp. 7-8.

On June 30, 2023 a Verification Checklist was issued to Petitioner requesting verification of: school attendance for household member M.K; income for the last 30 days; residential address; savings account; and relationship for household member M.K. The due date to provide the requested verifications was July [REDACTED] 2023. (Exhibit A, pp. 5-6). There was no evidence that any verifications were provided by the July 10, 2023 due date. When the interview was completed on July [REDACTED] 2023, the need for the requested verifications was discussed with Petitioner. (Exhibit A, p. 1). Accordingly, it appears that an extension was granted.

On or about July [REDACTED] 2023, Petitioner sent a letter to the Department explaining when she and her husband last worked and requesting cash and food assistance benefits. (Exhibit A, p. 14). However, a letter from Petitioner cannot serve as acceptable verification that she was no longer working. Further, the Wage Match Client Notice the Department received on July [REDACTED] 2023 indicated Petitioner was still employed. (Exhibit A, pp. 15-17).

On July [REDACTED] 2023, the completed Wage Match Client Notice was submitted with payroll records. (Exhibit A, pp. 15-21). However, the Wage Match had been due June 5, 2023. Accordingly, the attached payroll records through May 16, 2023 were no longer current

(within the last 30 days) for determining eligibility for the June ■ 2023 FAP and FIP application.

On July ■ 2023, a Notice of Case Action was issued denying FIP benefits based on a failure to provide requested verifications. (Exhibit A, pp. 29-32). On July ■ 2023, a Notice of Case Action was issued denying FAP and FIP benefits based on a failure to provide requested verifications. (Exhibit A, pp. 24-28).

On August ■ 2023, a Medical Needs-PATH form was provided for household member J.K. (Exhibit A, pp. 22-23). However, this was received by the Department after the denial of FAP and FIP. Similarly, Petitioner provided requested verifications with the August 8, 2023 hearing request, however, these were also received by the Department after the denial of FAP and FIP.

Overall, the evidence does not establish that Petitioner provided all of the requested verifications before the denial determinations were issued. Accordingly, the denials of FAP and FIP are upheld. As discussed, Petitioner may wish to reapply for FAP and FIP and have someone, such as her mother, assist as an authorized representative.

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 denied Petitioner's application for FAP and FIP based on the information available at that time.

DECISION AND ORDER

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

CL/dm



Colleen Lack
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
Linda Gooden
Oakland County Southfield District III
**MDHHS-Oakland-6303-
Hearings@michigan.gov**

VailG

SweeneyD1

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BSC4HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

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