



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
MI [REDACTED]

Date Mailed: October 10, 2023
MOAHR Docket No.: 23-005206
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On August 20, 2023, Petitioner, [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) application denial. 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 4, 2023. Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Tom Jones, Assistance Payments Supervisor, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 20-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner's application for 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 [REDACTED] 2023, Petitioner applied for FAP benefits from the Department.
2. On July 27, 2023, the Department mailed a verification checklist to Petitioner to obtain information to determine Petitioner's eligibility. The Department instructed Petitioner to provide the Department with proof of her medical expenses, RSDI income, and all other income. The Department instructed Petitioner to provide her proof to the Department by August 7, 2023.
3. Petitioner did not provide her proof to the Department by August 7, 2023.

4. On August 14, 2023, the Department mailed a notice of case action to Petitioner to notify her that her application for FAP benefits was denied because she did not provide verifications as instructed.
5. Petitioner requested a hearing to dispute the Department's decision.
6. Petitioner has since reapplied for FAP benefits.

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 deny her application for FAP benefits. The Department denied Petitioner's application for FAP benefits because Petitioner did not provide verifications by August 7, 2023, as instructed.

Verification is usually required by the Department at the time of application or redetermination. 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.*

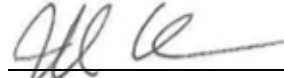
In this case, the Department requested verification from Petitioner because the Department needed additional information to determine Petitioner's eligibility for FAP benefits after Petitioner applied for FAP benefits. The Department properly instructed Petitioner what verification was required, how 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 denied Petitioner's application for FAP benefits because Petitioner failed to provide the verification by the due date.

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 denied Petitioner's application for Food Assistance Program benefits.

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

JK/ml



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

Linda Gooden

Oakland County Southfield District III

25620 W. 8 Mile Rd

Southfield, MI 48033

MDHHS-Oakland-6303-Hearings@michigan.gov

Interested Parties

BSC4

M Holden

D Sweeney

MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]