



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

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

Date Mailed: October 19, 2023
MOAHR Docket No.: 23-005662
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 October 11, 2023, via teleconference. Petitioner appeared and represented herself. Danielle Moton, Assistance Payments Worker, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUE

Did MDHHS properly deny Petitioner's application for Food Assistance Program (FAP) and Child Development and Care (CDC) 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] [REDACTED] 2023, Petitioner applied for FAP and CDC benefits (Exhibit A, p. 26). Petitioner reported that she needed childcare due to employment (Exhibit A, p. 29).
2. On August 14, 2023, MDHHS conducted an eligibility interview with Petitioner. Petitioner reported that she worked at Meijer and that her self-employment at Insta Work ended May 31, 2023 (Exhibit A, p. 37).
3. On August 14, 2023, MDHHS sent Petitioner a Verification Checklist (VCL) requesting proof of residential address and other self-employment (Exhibit A, pp. 41-42). The deadline for the verifications was August 24, 2023 (Exhibit A, p. 41).

4. On August 28, 2023, MDHHS sent Petitioner a Notice of Case Action indicating that her CDC application was denied, effective July 30, 2023, ongoing, and her FAP application was denied, effective July 31, 2023, ongoing (Exhibit A, p. 7). The reason for the CDC denial was that verification of self-employment payments and eligible provider/care arrangement was not returned (Exhibit A, p. 8). The reason for the FAP denial was that the verification of self-employment payments was not returned (Exhibit A, p. 8).
5. On September 6, 2023, Petitioner requested a hearing regarding her FAP and CDC benefits (Exhibit A, pp. 3-5).

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.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. MDHHS administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

In this case, MDHHS denied Petitioner's application for FAP and CDC benefits for failure to provide the requested verifications by the deadline. At the hearing, MDHHS stated that Petitioner reapplied for FAP and her FAP benefits were approved, effective September 1, 2023, ongoing. Therefore, this decision will only address the FAP benefits from July 29, 2023, to August 31, 2023.

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.

Here, MDHHS denied Petitioner's application for FAP and CDC benefits for failure to return the requested verifications. MDHHS sent a VCL requesting proof Petitioner's residential address and self-employment income. However, it is unclear from the record why MDHHS needed Petitioner's self-employment income if it ended in May 2023. Absent evidence that Petitioner continued this employment, verification of past employment was not necessary to determine current and ongoing eligibility for CDC and FAP. Additionally, Petitioner appeared at the hearing and credibly testified that she attempted to comply with MDHHS' requests for information to the best of her ability. She stated that she submitted a copy of her driver's license to show her residential address. However, the driver's license listed a former address and not Petitioner's current address. When she found out that the driver's license was not satisfactory, she reached out to her caseworker to ask what she should submit to verify her address. According to Petitioner, the caseworker asked her to submit the first page of her lease agreement for her residence and Petitioner complied. At the hearing, MDHHS stated that the page was insufficient because it did not contain Petitioner's signature.

Petitioner also testified that she received a form to fill out regarding her self-employment income. Petitioner stated that she did not know how to fill out the form and that she reached out to her caseworker for help. Her caseworker instructed her to send in a screenshot showing her pay from the electronic portal. Petitioner testified that she submitted the screenshot through her MI Bridges online account. MDHHS denied receiving the information.

Based on the record, Petitioner made a reasonable effort to comply with MDHHS' verification requests and she contacted MDHHS for assistance. It is unclear whether MDHHS provided the assistance necessary, and it is probably that Petitioner's caseworker caused some confusion about what verifications would be acceptable. It is also unclear why MDHHS needed to verify Petitioner's self-employment income if that income had in fact, ended.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's application for FAP and CDC benefits.

DECISION AND ORDER

Accordingly, MDHHS decision is **REVERSED**.

MDHHS IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister Petitioner's [REDACTED] 2023, application for FAP and CDC benefits.
2. Redetermine Petitioner's eligibility for FAP from July 29, 2023, to August 31, 2023, and issue Petitioner supplemental payments for any FAP benefits that she was eligible to receive, but did not, during that time period.
3. Redetermine Petitioner's eligibility for CDC benefits from July 29, 2023, ongoing.
4. If eligible, issue supplemental CDC benefits to Petitioner or her provider(s), from the date of eligibility ongoing; and
5. Notify Petitioner of its decision(s) in writing.



LJ/nr

Linda Jordan
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
Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
8655 Greenfield
Detroit, MI 48228
**MDHHS-Wayne-17-
hearings@michigan.gov**

Interested Parties
Wayne 17 County DHHS
BSC4
M. Holden
D. Sweeney
L. Brewer-Walraven
MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]