



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: November 8, 2023
MOAHR Docket No.: 23-006192
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 via telephone conference line on October 26, 2023. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Sausha Martin, specialist.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility.

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of June 2023, Petitioner was an ongoing recipient of FAP benefits with a benefit group that included her adult son, [REDACTED] (hereinafter, "Son").
2. On June 22, 2023, Petitioner reported on a Change Report that Son was fired from ongoing employment.
3. On August 4, 2023, MDHHS mailed Petitioner a Verification Checklist (VCL) requesting proof by August 14, 2023, that Son lost employment.

4. On September 7, 2023, Petitioner submitted to MDHHS two check stubs for Son which did not suggest they were Son's final two pays.
5. On September 11, 2023, MDHHS terminated Petitioner's FAP eligibility beginning October 2023 due to Petitioner's failure to verify stopped employment income for Son.
6. On September 20, 2023, Petitioner requested a hearing to dispute the termination of FAP benefits.

CONCLUSIONS OF LAW

The 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 the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-119b, and Mich Admin Code, R 400.3001-.3011. FAP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a termination of FAP benefits. Exhibit A, pp. 3-5. A Notice of Case Action dated September 11, 2023, stated that Petitioner's FAP eligibility would end October 2023 due to a failure to verify loss of employment income for Son.

MDHHS is to verify changes which result in a benefit increase, such as income reductions. BEM 505 (October 2022) p. 14. For all programs, MDHHS is to tell the client what verification is required, how to obtain it, and the due date. BAM 130 (July 2021) p. 3. MDHHS is to use the DHS-3503, Verification Checklist (VCL), to request verification. *Id.* MDHHS is to allow the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. *Id.*, p. 7. MDHHS is to send a negative 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. *Id.*

Petitioner reported to MDHHS on a Change Report dated June 22, 2023, that Son lost employment. MDHHS followed up by sending Petitioner a VCL on August 4, 2023, requesting proof of Son's stopped wages from his former employer by August 14, 2023. Exhibit A, pp. 6-8. MDHHS contends that Petitioner's FAP benefits properly ended after it did not receive acceptable verification by the date of case closure.

Petitioner testified she submitted to MDHHS copies of Son's final two pay documents on September 7, 2023. MDHHS policy is not known to specify what documents verify stopped employment. Guidance is offered from the VCL which specifically listed the following as acceptable verification: employer statements, employment records, or MDHHS's Employment Verification form. Exhibit A, p. 6. Notably, pay documents were

not listed as an example of acceptable verification. Not accepting pay documents as verification of stopped income is understandable because such documents do not indicate whether employment ended.

Petitioner testified that she thought that pay documents would be acceptable verification of stopped income because a MDHHS worker told her so in an email. Consideration would have been given to Petitioner if it was established that MDHHS misled her into submitting an unacceptable verification. However, Petitioner did not corroborate her testimony with a copy of the alleged email or even the name of the MDHHS staff who supposedly misled her.

The evidence established that MDHHS properly requested proof of Son's stopped wages. The evidence further established that Petitioner failed to return acceptable proof of Son's stopped wages. Thus, MDHHS properly terminated Petitioner's FAP eligibility due to a failure to verify stopped income.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's FAP eligibility beginning October 2023. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki
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
Richard Latimore
Wayne-Conner-DHHS
4733 Conner
Detroit, MI 48215
**MDHHS-Wayne-57-
Hearings@michigan.gov**

Interested Parties

M. Holden
D. Sweeney
BSC4

Via-First Class Mail :

Petitioner

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