



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]
MI [REDACTED]

Date Mailed: January 4, 2024
MOAHR Docket No.: 23-008142
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 December 27, 2023. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Genesis Guarneros-Castillo.

ISSUES

The first issue is whether MDHHS properly denied Petitioner's application for Family Independence Program (FIP) benefits.

The second issue is whether MDHHS properly determined 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 October 2023, Petitioner was an ongoing recipient of \$232 in gross monthly FAP benefits based on an unspecified amount of gross monthly wages.
2. On [REDACTED] [REDACTED] 2023, Petitioner applied for FIP benefits and reported a household that included a dependent child. Petitioner also reported a loss of employment.

3. On October 18, 2023, MDHHS mailed Petitioner a Verification Checklist (VCL) requesting by October 30, 2023, among other items, proof of relationship to children and the dependent child's school attendance. Additionally, MDHHS requested Petitioner's proof of employment loss.
4. On November 9, 2023, MDHHS denied Petitioner's FIP application due to a failure to verify the relationship with her dependent child.
5. As of November 9, 2023, Petitioner had not submitted to MDHHS verification of relationship to her dependent child.
6. On November 17, 2023, MDHHS verified through TheWorkNumber.com that Petitioner was no longer employed.
7. On an unspecified date MDHHS approved Petitioner for an increase in FAP benefits to \$535 beginning December 2023 based on Petitioner having no wages.
8. On November 17, 2023, Petitioner requested a hearing to dispute the FAP eligibility amount from before December 2023 and the denial of FIP benefits.

CONCLUSIONS OF LAW

The 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. MDHHS administers the 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. FIP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing, in part, to dispute a denial of FIP benefits. Exhibit A, pp. 3-4. Petitioner applied for FIP benefits on [REDACTED] [REDACTED] 2023, and reported having a dependent child. A Notice of Case Action dated November 9, 2023, stated that Petitioner's application was denied due to a failure to verify the relationship to her child. Exhibit A, pp. 17-20.

For FIP benefits, the relationship must be verified for each dependent child in the benefit group. BEM 210 (July 2021) p. 7. Verification must establish the relationship of each dependent child to the child's legal parent, stepparent, or other qualifying caretaker. *Id.* Acceptable verifications may include birth certificates or school records, among other possible verifications.

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.*

MDHHS mailed Petitioner a VCL on October 18, 2023, requesting proof by October 30, 2023, of Petitioner's relationship to her dependent child. Exhibit A, pp. 14-16. The VCL additionally requested proof of school records to verify Petitioner's dependent child's school attendance. MDHHS alleged that Petitioner failed to verify the dependent child's relationship status to Petitioner before the application was denied on November 9, 2023.

Petitioner testified she timely returned all requested verifications. MDHHS acknowledged that Petitioner timely verified her dependent child's school attendance after returning a document from Petitioner's dependent child's school stating that the child was a student. The document verified school attendance but was silent as to the relationship status between the child and Petitioner.

Petitioner testified that she verified relationship by submitting to MDHHS a birth certificate for her child. In response, during the hearing, MDHHS checked Petitioner's Electronic Case File for a birth certificate.¹ MDHHS credibly stated no birth certificate was found in Petitioner's ECF. Petitioner provided no corroboration for her claim of a birth certificate being submitted to MDHHS.

The evidence established that Petitioner failed to timely verify relationship status for a dependent child. Because Petitioner failed to verify properly requested and required information, MDHHS properly denied Petitioner's FIP application. Petitioner's recourse is to reapply for FIP benefits.

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. MA policies are contained in the BAM, BEM, and RFT.

Petitioner also requested a hearing to dispute FAP eligibility. Exhibit A, pp. 3-4. Petitioner specifically disputed a delayed increase in FAP benefits after reporting a loss of employment when applying for FIP benefits on [REDACTED] 2023. It was not disputed that Petitioner received \$232 in monthly FAP benefits in October 2023. A FAP budget verified that Petitioner received \$535 in FAP benefits in December 2023. Exhibit A, p. 6. Petitioner seemed to dispute not receiving \$535 in FAP benefits before December 2023.

¹ An ECF consists of scanned documents, arranged by category, and identified by a client name, recipient ID or case number, established for a particular client group. The ECF contains all forms, documents, and other evidence relevant to the group's current and past eligibility. BAM 300 (January 2020). p. 1.

MDHHS is to act on a change reported by means other than a tape match within 10 days of becoming aware of the change. BAM 220 (July 2023) p. 7. Changes which result in an increase in the household's benefits must be effective no later than the first allotment issued 10 days after the date the change was reported, provided any necessary verification was returned by the due date. *Id.* Stopped employment income must be verified. BAM 505 (October 2022) p. 14.

The VCL dated October 18, 2023 discussed in the FIP analysis also requested proof of Petitioner's reported loss of employment. Exhibit A, pp. 14-16. It was not disputed that Petitioner did not verify stopped employment by the VCL due date of October 30, 2023; It was not disputed that MDHHS verified Petitioner's stopped employment via the website, TheWorkNumber.com on November 17, 2023. MDHHS additionally stated it first checked TheWorkNumber.com on October 17, 2023, however, Petitioner's employment was listed as still active.

The evidence established that Petitioner did not verify loss of employment sooner than November 17, 2023. There was no evidence that Petitioner informed MDHHS of a need to check TheWorkNumber.com sooner than November 17, 2023.² Given the evidence, MDHHS properly verified Petitioner's loss of employment on November 17, 2023. The verification was untimely obtained. Thus, Petitioner is entitled to a change in benefits in the month following 10 days following the verification date. Adding 10 days to the verification date of November 17, 2023 is November 27, 2023. The first FAP issuance allotment after November 27, 2023 is December 2023. MDHHS updated Petitioner's FAP eligibility (i.e., stopped factoring wages in the FAP budget) beginning December 2023. Thus, MDHHS properly processed Petitioner's reported change of a loss of employment.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's FIP application dated [REDACTED] 2023, due to a failure to verify relationship. MDHHS also properly processed Petitioner's loss of employment beginning December 2023. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki
Administrative Law Judge

² Petitioner testified she tried to call MDHHS but was unable to reach someone. Petitioner's testimony was not persuasive as MDHHS employs a system where multiple specialists are assigned responsibility to answer incoming calls. Petitioner also provided no evidence that other efforts to communicate with MDHHS were attempted.

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
Chelsea McCune
Macomb County DHHS Warren Dist.
13041 E 10 Mile
Warren, MI 48089
**MDHHS-Macomb-20-
Hearings@michigan.gov**

Interested Parties
Macomb 20 County DHHS
BSC4
M. Holden
N. Denson-Sogbaka
B. Cabanaw
B. Sanborn
MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
MI [REDACTED]