



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

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: January 11, 2024  
MOAHR Docket No.: 23-008295  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler**

**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 January 3, 2024. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearings Facilitator.

**ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits for failure to verify income?

**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 August [REDACTED] 2023, the Department received Petitioner's completed Medical Assistance (MA) Program Redetermination.
2. On September [REDACTED] 2023, the Department issued a Verification Checklist (VCL) for FAP requesting proof of income from [REDACTED] for Petitioner and child support income with proofs due by September 12, 2023.
3. On October [REDACTED] 2023, the Department received check stubs for Petitioner in addition to a letter from the Employer explaining the gap in earned income due to Petitioner's sick leave.
4. On November [REDACTED] 2023, the Department issued a Notice of Case Action to Petitioner advising her that effective December 1, 2023, her FAP benefits would be closing for failure to provide verification of Petitioner's earned income.

5. On November █ 2023, the Department received Petitioner's request for hearing disputing the closure of her MA and FAP benefits for failure to verify her earned income.
6. At the hearing on January 3, 2024, Petitioner testified that she was satisfied with the MA coverage provided by the Department for her family and no longer wished to proceed with the MA portion of her hearing request.

### **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).

#### **Food Assistance Program (FAP)**

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. The Department (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.

The Department closed Petitioner's FAP benefits for failing to verify earned income. Because of Petitioner's MA Redetermination, the Department sought verification of Petitioner's income, which affected her FAP benefit, using a VCL identifying what was needed, how to obtain it, and the due date. BAM 130 (October 2023), p. 3. In FAP cases, clients are provided ten calendar days to provide the requested verifications. BAM 130, p. 7. Negative action notices are sent when the client refuses to provide the verification, or the period given has lapsed and the client has not made a reasonable effort to provide it. *Id.* In redetermination cases, if a client files the redetermination before the end of the benefit period but fails to take a required action, the case is denied at the end of the benefit period. BAM 210 (October 2023), p. 22. If the client returns the required verification within 30 days of the end of the benefit period, then the redetermination is re-registered using the date that the process is completed. *Id.*

In this case, Petitioner did not return the required documentation before the due date. However, Petitioner returned the requested documentation before the Notice of Case Action was issued and before the beginning of the negative action. Therefore, the Department should not have closed Petitioner's case and should have processed the reported information. Therefore, the Department has not acted in accordance with Department policy.

#### **Medical Assistance (MA) Program**

The MA is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and

Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

At the hearing, Petitioner testified that she was satisfied with the actions taken by the Department in her MA case as well as the coverage provided for her family. Petitioner did not want to proceed with the MA portion of her hearing request. Therefore, Petitioner's request to withdraw the MA portion of her hearing request is withdrawn and DISMISSED.

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 not act in accordance with Department policy when it closed Petitioner's FAP case for failure to verify earned income.


### **DECISION AND ORDER**

The portion of Petitioner's hearing request attributable to the **MA** program is **DISMISSED**. The Department's decision as it relates to FAP is **REVERSED**.

THE DEPARTMENT 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. Redetermine Petitioner's FAP eligibility effective December 1, 2023 using the verified income from October 25, 2023;
2. If otherwise eligible, issue supplements to Petitioner for benefits not previously received; and,
3. Notify Petitioner in writing of its decision.

AM/mp

  
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**Amanda M. T. Marler**  
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 :**

**Interested Parties**  
MDHHS-Wayne-19-Hearings  
N. Denson-Sogbaka  
B. Cabanaw  
M. Holden  
MOAHR  
BSC4

**Via-First Class Mail :**

**Petitioner**  
[REDACTED]  
[REDACTED]  
[REDACTED]