



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] MI [REDACTED]

Date Mailed: January 11, 2024  
MOAHR Docket No.: 23-008330  
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 2, 2024. The Petitioner was self-represented and appeared with his daughter [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearings Facilitator. Translation services were provided by Michael Samuel.

**ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (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. In early August 2023, before his redetermination cycle began, verification of [REDACTED] [REDACTED] employment with [REDACTED] was returned to the Department based upon a completed New Hire notice.
2. On August 14, 2023, the Department received Petitioner's completed Redetermination.
3. On September 7, 2023 the Department issued a Verification Checklist (VCL) to Petitioner requesting proof of wages from [REDACTED] for [REDACTED] [REDACTED] and wages from [REDACTED] for [REDACTED]. Proofs were due to the Department by September 18, 2023.
4. On October 10, 2023, the Department issued a Notice of Case Action to Petitioner advising him that effective August 1, 2023, his FAP case was closed for failure to

return requested verification of income for [REDACTED] and [REDACTED]  
[REDACTED]

5. On October 16, 2023, the Department received the requested verifications.
6. On November 17, 2023, the Department received Petitioner's request for hearing disputing the closure of 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) [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.

In this case, Petitioner's disputes the Department's denial of Petitioner's FAP benefits after redetermination for failure to verify requested information. Pursuant to policy, the Department is required to verify income at application, redetermination, and for reported changes. BAM 130 (January 2023), p. 1; BEM 500 (April 2022), p. 13. The Department is required to tell the client what verification is needed, how to obtain it, and the due date. BAM 130, p. 3. Typically, a VCL is used to accomplish these objectives. *Id.* Here, the Department issued a VCL to Petitioner on September 7, 2023 requesting verification of income for [REDACTED] and [REDACTED] with proofs due by September 18, 2023. Clients are provided 10 days to provide the requested information. BAM 130, p. 7. Negative case action notices are sent when the client refuses to provide verification, or the period given has lapsed and the client has not made a reasonable effort to comply. *Id.* The verifications requested for [REDACTED] were not returned to the Department until October 16, 2023. Although, verification of [REDACTED] income was received in August, [REDACTED] verifications were not received until after the due date and after the denial of benefits was issued. Therefore, the Department properly closed Petitioner's FAP case for failure to provide the requested information by the due date.

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 acted in accordance with Department policy when it closed Petitioner's FAP case.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

AM/mp



---

**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], MI [REDACTED]