



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 12, 2024
MOAHR Docket No.: 23-009027
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On December 4, 2023, Petitioner, [REDACTED], requested a hearing to dispute a Food Assistance Program (FAP) application denial. Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on January 11, 2024. Petitioner appeared and represented himself. Respondent, Department of Health and Human Services (Department), had Brooke Deja, Assistance Payments Supervisor, appear as its representative.

A 36-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner's application for 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. On [REDACTED] 2023, Petitioner applied for FAP benefits.
2. On November 16, 2023, an interview was held, and Petitioner reported that his wife was pregnant and residing in his home.
3. On November 16, 2023, the Department mailed a Verification Checklist to Petitioner. The form instructed Petitioner to submit information to verify Petitioner's wife's employment by November 27, 2023.

4. On November 30, 2023, the Department mailed a Notice of Case Action to Petitioner to notify him that his application for FAP benefits was denied because verification of his wife's employment was not returned as instructed.
5. Petitioner requested a hearing to dispute the Department's decision.

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 FAP 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 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 is disputing the Department's decision to deny his application for FAP benefits. The Department denied Petitioner's application for FAP benefits because Petitioner did not return requested income verification needed to determine his eligibility for FAP benefits.

Verification is usually required by the Department at the time of application/redetermination or for a reported change affecting eligibility or benefit level. BAM 130 (January 1, 2023), p. 1. The Department must tell a client what verification is required, how to obtain it, and the due date. *Id.* at p. 3. The Department must allow the client 10 calendar days to provide requested verification. *Id.* at p. 7. The client must obtain the verification, but the local office must assist if the client needs it and asks for help. *Id.* Verifications are only considered timely if they are received by the due date. *Id.* The Department must send a Negative Action Notice when the client refuses to provide the verification, or the client has failed to provide the verification by the due date. *Id.*

The Department properly requested verification of Petitioner's wife's employment income after Petitioner reported that his wife was pregnant and residing in his home. Spouses who are legally married and live together must be in the same FAP group. BEM 212. Employment or earned income is considered in determining a client's eligibility for FAP benefits. BEM Items 501 and 550. The Department properly instructed Petitioner what verification was required, how to obtain the verification, and the due date. The Department also properly allowed Petitioner 10 calendar days to provide the verification. It was Petitioner's responsibility to provide the verification to the Department by the due date.

Petitioner acknowledged reporting that his wife was pregnant but did not recall whether he reported that his wife was residing in the home with him at the time of his interview.

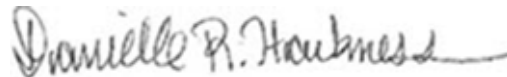
Petitioner indicated that he was truthful when reporting all information to the Department. Petitioner stated that after he received the Verification Checklist, he contacted the Department numerous times to inquire about the Verification Checklist, however, he did not recall when he contacted the Department.

Based on the evidence presented, Petitioner failed to establish that he cooperated with the Department in providing verification needed to determine his FAP eligibility. Therefore, the Department properly denied Petitioner's application for FAP benefits.

DECISION AND ORDER

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 its policies and the applicable law when it denied Petitioner's application for FAP benefits.

IT IS ORDERED, the Department's decision is **AFFIRMED**.



Danielle R. Harkness
Administrative Law Judge

DH/nr

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
Cindy Tomczak
Berrien County DHHS
401 Eighth Street
Benton Harbor, MI 49023
**MDHHS-Berrien-
Hearings@michigan.gov**

Interested Parties
Berrien County DHHS
BSC3
M. Holden
N. Denson-Sogbaka
B. Cabanaw
MOAHR

Via-First Class Mail :

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