



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 25, 2024
MOAHR Docket No.: 23-009163
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On December 13, 2023, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) closure. 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 24, 2024. Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Melissa Brandt, Family Independence Manager, appear as its representative.

A 35-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly close Petitioner's FAP benefit case?

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 October 2, 2023, the Department mailed a Semi-Annual Contact Report to Petitioner to renew her eligibility for FAP benefits. The Department stated that Petitioner must complete the contact report by October 23, 2023, or her FAP benefits would end.
2. On October 19, 2023, Petitioner submitted the Semi-Annual Contact Report to the Department wherein Petitioner indicated that she had no income.

3. On November 21, 2023, the Department mailed a Verification Checklist to Petitioner. The form instructed Petitioner to submit information to verify her income and her loss of employment by December 1, 2023.
4. On December 4, 2023, the Department mailed a Notice of Case Action to Petitioner to notify her that her FAP benefits were closing effective December 1, 2023, because verification of her income and loss of employment were not received.
5. On December 12, 2023, Petitioner submitted a copy of an October 6, 2023, email to her worker that included proof of Petitioner's income.
6. On December 13, 2023, 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 close her FAP benefit case. The Department closed Petitioner's FAP benefit case because Petitioner did not return requested verification of income and loss of employment needed to determine her 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.*

Petitioner acknowledged sending income verification to the Department on October 6, 2023, and again on December 12, 2023. Petitioner stated that she did not turn in verification of loss of employment because she had explained to her worker that her job

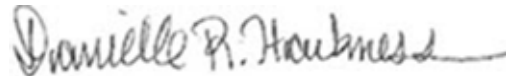
was on an as-needed basis, so her hours would fluctuate based on the work that was available. However, no evidence was presented to show that verification of Petitioner's loss of employment was submitted to the Department in a timely manner.

Based on the evidence presented, Petitioner failed to establish that she cooperated with the Department in providing verification needed to determine her FAP eligibility. Therefore, the Department properly closed Petitioner's FAP benefit case.

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 closed Petitioner's FAP benefit case.

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



DH/nr

Danielle R. Harkness
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
Melissa Brandt
Ionia County DHHS
920 East Lincoln St
Ionia, MI 48846
**MDHHS-IONIA-
Hearings@michigan.gov**

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

Via-First Class Mail :

Petitioner

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