



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

Date Mailed: February 14, 2024  
MOAHR Docket No.: 23-009359  
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 the closure of her Family Independence Program (FIP) and Food Assistance Program (FAP) case. 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 February 13, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Robbi Crosby, Eligibility Specialist, and Ghawana Dixon, Assistance Payments Supervisor.

A 14-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A. A 7-page packet of documents was provided by Petitioner but was not admitted as an exhibit as it was duplicative of the information provided in 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 September 19, 2023, the Department mailed a New Hire Client Notice to Petitioner to verify her son's employment. The Department stated that Petitioner must complete the New Hire Client Notice by September 29, 2023, or her FAP benefits would be closed.

2. On November 14, 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 son's employment was not received.
3. 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).

### **FAMILY INDEPENDENCE PROGRAM**

The Family Independence Program (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. The Department administers 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.

Petitioner indicated that she has not recently received cash assistance and she requested a FIP hearing in error. Petitioner did not wish to proceed with a FIP hearing. Therefore, Petitioner's request for hearing concerning FIP benefits is dismissed.

### **FOOD ASSISTANCE**

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.

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 her son's employment that was 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 stated that she sent an email to Ms. Crosby on September 20, 2023, informing the Department that her son was not working. Ms. Crosby indicated that she did not receive an email from Petitioner on or around September 20, 2023, and no evidence was presented by Petitioner to show that she contacted the Department on September 20, 2023. Petitioner indicated that she had a copy of the September 20, 2023, email but did not submit it prior to the hearing.

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.

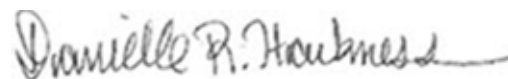
### **DECISION AND ORDER**

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 Petitioner's request for withdrawal for a FIP hearing is granted, and that the Department acted in accordance with its policies and the applicable law when the Department closed Petitioner's FAP benefits case.

IT IS ORDERED,

1. Petitioner's request for hearing concerning FIP benefits is **DISMISSED** pursuant to withdrawal of her FIP hearing request, and
2. The Department's decision to close Petitioner's FAP benefits case is **AFFIRMED**.

DH/nr



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**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**  
Keisha Koger-Roper  
Wayne-District 31 (Grandmont)  
17455 Grand River  
Detroit, MI 48227  
**MDHHS-Wayne-31-Grandmont-  
Hearings@Michigan.gov**

**Interested Parties**  
Wayne 31 County DHHS  
BSC4  
M. Holden  
N. Denson-Sogbaka  
B. Cabanaw  
MOAHR

**Via-First Class Mail :**

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