



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

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Date Mailed: January 24, 2024  
MOAHR Docket No.: 23-009460  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Ellen McLemore**

### **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 22, 2024, via conference line. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Dania Ajami, Lead Specialist.

### **ISSUES**

Did the Department properly deny Petitioner's State Emergency Relief (SER) application?

Did the Department properly process Petitioner's Food Assistance Program (FAP) 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 ██████████ 2023, Petitioner submitted an application for SER and FAP benefits (Exhibit A, pp. 5-12).
2. Petitioner was already an ongoing FAP recipient.
3. On November 29, 2023, the Department sent Petitioner an SER Verification Checklist (VCL) requesting verifications, including Petitioner's bank account, her

Way2Go card and her income (Exhibit A, pp. 13-14). Petitioner was notified the verifications were also required for her FAP benefit case. Proofs were due by December 6, 2023.

4. On November 29, 2023, the Department sent Petitioner a Verification Checklist requesting verification of Petitioner's assets and income related to her FAP benefit case (Exhibit A, pp. 15-17). Proofs were due by December 11, 2023.
5. On December 11, 2023, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her application for SER benefits was denied for her failure to submit the requested verifications (Exhibit A, pp. 18-23).
6. Petitioner continued to receive \$█ in FAP benefits per month, as her FAP benefit case was pending for income and asset verification.
7. On December 18, 2023, Petitioner submitted a request for hearing disputing the Department's actions.

### **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).

### **FAP**

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.

The Department testified that at the time of the █, 2023 application, Petitioner was already an ongoing FAP recipient. The Department stated that Petitioner had previously been determined as eligible for FAP benefits in the monthly amount of \$█. The Department stated that income from Petitioner's employment with █ was previously included in Petitioner's FAP budget. In the █ 2023 FAP/SER application, Petitioner reported that she was not employed. The Department pending Petitioner's FAP benefit case to obtain income and asset verification. The Department testified that Petitioner reported she was no longer working at █, but a Wage Match Client Notice was received, indicating Petitioner had income from employment with █. The Department sent Petitioner a VCL on November 29, 2023, requesting verification of her income and assets, as well as a Wage Match Client

Notice on December 11, 2023. Proofs for the VCL were due by December 11, 2023. The Wage Match Client Notice was due by January 10, 2024.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2021), p. 1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. For FAP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is required. BAM 130, p. 7. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 7. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. BAM 130, p. 7. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a Department representative are considered to be received the next business day. BAM 130, p. 7. The Department sends a negative action notice when: the client indicates a refusal to provide a verification OR the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 7.

The Department testified that Petitioner submitted verification of her income at [REDACTED] on December 20, 2023. The Department stated that Petitioner's FAP benefit case continued to remain in pending status, as a result of Petitioner's failure to submit verification of her assets. The Department stated that numerous VCLs were sent to Petitioner, the last of which was sent on January 11, 2024, with a due date of January 22, 2024. The Department testified that as of the date of the hearing, the Department had not received any verification of Petitioner's assets, and that her FAP benefit case would close.

The Department sent Petitioner numerous requests for verification of her assets. Petitioner did not provide sufficient evidence that she submitted verification of any of her assets. Therefore, the Department acted in accordance with policy when processing Petitioner's FAP benefit case.

### **SER**

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

On [REDACTED], 2023, Petitioner submitted an application for SER benefits. On November 29, 2023, the Department sent Petitioner a VCL requesting verification of Petitioner's income and assets. Proofs were due by December 6, 2023.

Applicants may file an SER application in any county in Michigan. ERM 103 (October 2017), p. 1. At application, Clients must be informed of all verifications that are required and where to return verifications. ERM 103, p. 7. The due date is eight calendar days

beginning with the date of application. ERM 103, p. 7. If the application is not processed on the application date, the deadline to return verifications is eight calendar days from the date verification is requested. ERM 103, p. 7. The Department will use the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. ERM 103, p. 7. The Department sends a negative action notice when: the client indicates a refusal to provide a verification OR the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130 (April 2017), p. 7.

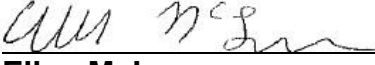
The Department testified that although Petitioner did not report any income in her SER application, a Wage Match Client Notice was generated, as income with Cortech was discovered but not reported by Petitioner (Exhibit A, pp. 21-22). The Department testified Petitioner did not submit verification of her income or assets by the VCL due date. As a result, Petitioner's SER application was denied.

At the hearing, Petitioner testified that she was not employed at the time of the [REDACTED], 2023 application. However, Petitioner then stated that she works intermittently at [REDACTED], which is a temporary employment agency. Petitioner did not provide sufficient evidence that she submitted verification of her assets or income with [REDACTED] by the SER VCL due date. Therefore, the Department acted in accordance with policy when it denied Petitioner's SER benefit application.

#### **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 Department policy when it denied Petitioner's SER application and processed Petitioner's FAP benefit case. Accordingly, the Department's decisions are **AFFIRMED**.

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**Ellen McLemore**  
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**

Caryn Jackson  
Wayne-Hamtramck-DHHS  
12140 Joseph Campau  
Hamtramck, MI 48212  
**MDHHS-Wayne-55-  
Hearings@michigan.gov**

**Interested Parties**

M. Holden  
N. Denson-Sogbaka  
B. Cabanaw  
J. McLaughlin  
E. Holzhausen  
BSC4

**Via-First Class Mail :**

**Petitioner**

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