



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  
DIRECTOR

[REDACTED]  
MI [REDACTED]

Date Mailed: February 29, 2024  
MOAHR Docket No.: 24-000471  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner**

### **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 hearing was held by telephone on February 21, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Edith Green-Barmore, Eligibility Specialist, and Corlette Brown, Hearings Facilitator.

### **ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) case, effective January 1, 2024?

### **FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was an ongoing recipient of FAP benefits for a group size of six (6) which included Petitioner, the father of her children, [REDACTED] (CM), and four (4) children. (Exhibit A, p. 10).
2. Petitioner's FAP group resided at [REDACTED] MI [REDACTED] ([REDACTED]).
3. On October 4, 2023, Petitioner completed a redetermination application and notified the Department she had moved to [REDACTED] MI [REDACTED] ([REDACTED]).

4. On October 5, 2023, the Department completed a redetermination interview with Petitioner.
5. On October 5, 2023, a Front End Eligibility (FEE) investigation was initiated by the Department. The Department investigator reviewed inquiry returns from the CLEAR database and Michigan Secretary of State and noted that both reported Petitioner residing at [REDACTED] within the past several months. The returns also show CM residing at [REDACTED] and the Department's investigation revealed Petitioner to be the owner of [REDACTED]. (Exhibit A, pp. 3 – 4, 6 – 7).
6. On October 11, 2023, the Department conducted a home visit to [REDACTED] where the Department advised that a male individual who answered the door stated neither Petitioner or CM reside at that address nor were she or CM known to that individual. (Exhibit A, pp. 3, 7).
7. On October 11, 2023, the Department also conducted a home visit to [REDACTED] No one answered the door. (Exhibit A, pp. 3, 7).
8. On October 12, 2023, the Department spoke to Petitioner by telephone. Petitioner reported living at [REDACTED] with her sister, not paying rent or utility payments, preparing food separately from her sister, and residing separate from CM. (Exhibit A, pp. 4, 7).
9. On October 14, 2023, the Department sent a verification checklist (VCL) to Petitioner requesting verification of information including Petitioner's current address and paystubs from employment.
10. On November 20, 2023, the Department sent a Notice of Case Action to Petitioner advising Petitioner it closed Petitioner's FAP case for failure to provide verification documents. (Exhibit A, pp. 9 – 10).
11. On or about January 18, 2024, Petitioner verbally requested a hearing to the Department to dispute closure of her FAP case on January 1, 2024. (Exhibit A, p. 1).

### **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).

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<sup>1</sup> An entry on the FEE report states that Petitioner is the owner of [REDACTED] however, later in the report, it states she is the owner of [REDACTED] Report entry as to ownership of [REDACTED] is deemed an error.

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.

Petitioner requested a hearing to dispute the closure of her FAP case effective January 1, 2024. The Department closed Petitioner's FAP case due to Petitioner's failure to return required verifications following a FEE investigation initiated as a result of Petitioner's redetermination application and interview and conflicting information regarding Petitioner's residence. (Exhibit A, pp. 3 – 4, 6 – 8).

Prior to evaluating the income and deductions for a FAP group, the Department must determine who must be included in the group. BEM 212 (January 2022), p. 1. To do so, the Department must consider who lives together, their relationship to each other, and whether they purchase and prepare food together. BEM 212, p. 1. Parents and their children under 22 years of age who live together must be in the same FAP group. BEM 212, p. 1. The Department is required to verify group composition if the information provided to it is questionable. BEM 212, p. 10.

In conjunction with the Department's determination of who must be included in the FAP group, the Department is also required to verify information if such information impacts an eligibility factor and is unclear, inconsistent, or contradictory. BAM 130 (October 2023), p. 1. The sources the Department may use to verify the unclear, inconsistent, or contradictory information are documents, collateral contacts, or home visits. BAM 130, p. 1. When verifications are required, the Department must notify the applicant what is required, how to obtain it, and the due date, and the applicant must obtain the requested verification. BAM 130, pp. 3 – 4. If there is a discrepancy between the applicant's statements and information the Department received from a different source, the Department must give the applicant a reasonable opportunity to resolve the discrepancy. BAM 130, p. 9.

In this case, Petitioner completed a redetermination application on October 4, 2023 and a redetermination interview on October 5, 2023. Petitioner's address of record with the Department, prior to the redetermination in October 2023, was [REDACTED] where she resided with CM and the children and was certified as a FAP group of six (6). The Department testified that on her redetermination application, Petitioner provided conflicting information indicating both that all members of the FAP group were still residing together and that none of them were residing together, because she marked both "yes" and "no" for each member's name. Additionally, on the redetermination application and during the interview, Petitioner reported residing at [REDACTED]. During the interview, Petitioner reported she was residing at [REDACTED] with her sister and Petitioner's children. The Department also attempted to gather more information regarding Petitioner's living situation and the location of CM from Petitioner directly during the interview but was unsuccessful.

The Department testified that based on conflicting information gathered during the redetermination application and interview, the Department undertook a FEE investigation. The Department investigator reviewed inquiry returns from the CLEAR database and Michigan Secretary of State and noted that both inquiries reported Petitioner residing at [REDACTED] within the past several months. The returns also show CM residing at [REDACTED] and, in its conclusion, Petitioner to be the owner of [REDACTED] (Exhibit A, pp. 3 – 4, 6 – 7). The Department attempted to confirm Petitioner's information by conducting a home visit at [REDACTED] on October 11, 2023 and conveyed in the FEE investigation report that a male individual who answered the door stated neither Petitioner or CM resided at that address nor were Petitioner or CM known to that individual. (Exhibit A, pp. 3, 7). On the same day, the Department also conducted a home visit to [REDACTED] and recorded in the final report that no one answered the door. (Exhibit A, pp. 3, 7).

The Department testified that it discussed its findings with Petitioner by telephone on October 12, 2023, and that the Petitioner reiterated her residence as [REDACTED]. She further advised the Department that she did not pay any rent or utilities, purchased and prepared food separately from her sister, and that her sister would not provide any verification on her behalf. (Exhibit A, pp. 4, 7).

The Department concluded that, based on a lack of evidence to the contrary, Petitioner was continuing to reside at [REDACTED] with CM and the children. (Exhibit A, pp. 4, 7). Notwithstanding the Department's conclusion, the Department made another attempt to allow Petitioner to resolve the discrepancy between the Department's investigation report and Petitioner's statements when, on October 14, 2023, the Department testified it sent a VCL to Petitioner requesting verification of Petitioner's residence as well as proof of the current household income. Although Petitioner testified that she did not receive the VCL, she acknowledged receiving all other correspondence from the Department and testified that she provided paystubs to the Department, which were requested in the same VCL requesting verification of address.

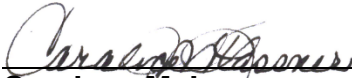
Because Petitioner did not provide the verifications of her residence that were previously discussed with and requested of her and on November 20, 2023, the Department properly closed Petitioner's FAP case for failure to provide the requested verifications. As of the date of the hearing, the Department had still not received the requested verifications.

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 on November 20, 2023 for Petitioner's failure to provide requested verification documents.

**DECISION AND ORDER**

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

CML/ml

  
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**Caralyce M. Lassner**  
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**

BSC4

M Holden

B Cabanaw

N Denson-Sogbaka

**Via First Class Mail:**

**Petitioner**

[REDACTED]  
MI [REDACTED]