



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

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Date Mailed: March 28, 2024
MOAHR Docket No.: 24-001272
Agency No.: ██████████
Petitioner: ██████████

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 March 21, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Priya Johnson, Assistance Payments Supervisor.

ISSUE

Did the Department properly deny Petitioner's Food Assistance Program (FAP) application dated November 14, 2023?

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 applied for FAP benefits and reported income from employment.
2. On November 30, 2023, the Department interviewed Petitioner and sent her a Verification Checklist (VCL), requesting verification of Petitioner's employment income by December 11, 2023. (Exhibit A, pp. 1, 6 – 7).
3. On December 1, 2023, Petitioner provided proof of her employment income to the Department. (Exhibit A, pp. 1, 13 – 18).
4. On December 14, 2023, the Department sent Petitioner a Notice of Case Action (NOCA) denying her application for FAP benefits for failure to verify her employment income. (Exhibit A, pp. 9 – 10).

5. On February 6, 2024, the Department received Petitioner's request for hearing disputing that she had not returned verification of her employment income. (Exhibit A, pp. 3 – 5).
6. On February 15, 2024, the Department stated Petitioner's case would be reviewed for re-instatement of FAP benefits. (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).

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 on February 6, 2024, following the denial of her FAP application for failure to return verification of her employment income. (Exhibit A, pp. 3 – 5). Petitioner submitted verification of her employment income to the Department on December 1, 2023. (Exhibit A, pp. 13 – 18). The Department sent Petitioner an NOCA on December 14, 2023, denying her application for FAP benefits due to her failure to provide verification of employment income. (Exhibit A, pp. 9 – 10). In preparation for the instant hearing, the Department acknowledged that Petitioner had provided the requested verification and reported that her case would be reviewed. (Exhibit A, p. 1).

When an individual applies for FAP benefits, the Department is responsible for determining the individual's eligibility. BAM 105 (October 2023), pp. 17 – 18. When an application for FAP is submitted to the Department, the Department must complete an interview and verify all non-excluded income of the applicant and members of the FAP group. BAM 115 (January 2023), pp. 17 – 19; BEM 500 (April 2022), pp. 13; see also BAM 130 (October 2023), p. 1. In this case, Petitioner had reported earned income from employment. Members of the FAP group who are employed have primary responsibility for obtaining proof of their employment income and providing it to the Department. BEM 501 (July 2022), pp. 9 – 10. Proof of employment income from wages, salaries, and commissions may be provided through paystubs or earnings statements, among other options. BEM 501, pp. 11 – 12.

In response to Petitioner's application for FAP, the Department interviewed Petitioner and sent her a VCL on November 30, 2023, requesting verification of Petitioner's employment income. (Exhibit A, pp. 6 – 7). Petitioner submitted proof of her employment income, in the form of paystubs, to the Department on December 1, 2023.

(Exhibit A, pp. 1, 13 – 18). During the hearing, the Department acknowledged that Petitioner had timely provided the required verifications. (See also Exhibit A, p. 1). Therefore, the Department did not act in accordance with Department policy when it denied Petitioner's FAP application on December 14, 2023.

It is noted that Department testified that it processed Petitioner's FAP application during the hearing and that FAP benefits would be backdated to the date of Petitioner's application. However, as of the hearing date, no action had been taken.

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 did not act in accordance with Department policy when it denied Petitioner's FAP application for failure to provide employment verification.

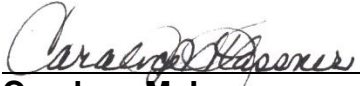
DECISION AND ORDER

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

TO THE EXTENT IT HAS NOT ALREADY DONE SO, THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reprocess Petitioner's FAP application dated [REDACTED], 2023;
2. Determine Petitioner's eligibility for FAP benefits for [REDACTED], 2023 ongoing;
3. If Petitioner is eligible for FAP benefits, issue supplemental payments to Petitioner for any FAP benefits she was eligible to receive but did not, from [REDACTED], 2023 ongoing; and
4. Notify Petitioner of its decision in writing.

CML/pt



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
Yaita Turner
Oakland County Southfield District III
25620 W. 8 Mile Rd
Southfield, MI 48033
MDHHS-Oakland-6303-Hearings@michigan.gov

Interested Parties

BSC4
M Holden
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N Denson-Sogbaka
MOAHR

Via-First Class Mail:

Petitioner

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