



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON I. BROWN, DPA
DIRECTOR

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Date Mailed: March 29, 2024
MOAHR Docket No.: 24-001494
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 March 21, 2024, from Lansing, Michigan. ██████ ██████ the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Cynthia Powell, Eligibility Specialist (ES), and Ahmed Elahrag, Supervisor.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-17.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (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 December ██████ 2023, a Verification Checklist was issued to Petitioner requesting verification of current bank statements, a Verification of Employment form, and paycheck stubs for ██████ ██████ with a due date of December 11, 2023. It was noted that the Department had not received the status of joint ██████ checking accounts listing the household members and partial account numbers. (Exhibit A, pp. 14-17)

2. On December █ 2023, an Employment Verification Form was issued to Petitioner requesting verification of employment for █ with a due date of December 11, 2023. (Exhibit A, pp. 11-13)
3. On December █ 2023, a Notice of Case Action was issued to Petitioner stating the FAP case would close effective January 1, 2024, based on not returning verification of missing check stubs for household member █ (Exhibit A, pp. 7-10)
4. On February 15, 2024, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 3-6)

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.

In general, verification is to be obtained when information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. The Department must tell the client what verification is required, how to obtain it, and the due date. The client must obtain required verification, but the Department must assist if the client needs and requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department should use the best available information. If no evidence is available, the Department is to use their best judgment. BAM 130, October 1, 2023, pp. 1-4.

For FAP, the Department must allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. The Department is to send a case action notice when the client indicates refusal to provide a verification, or the time-period given has elapsed and the client has not made a reasonable effort to provide it. For FAP if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, the Department is to assist the client with the verifications but not grant an extension. The Department is to explain to the client they will not be given an extension, and their case will be denied once the Verification Checklist due date is passed. Also, their eligibility will be determined based on their

compliance date if they return required verifications. The Department is to reregister the application if the client complies within 60 days of the application date. BAM 130, pp. 7-8.

In this case, a Verification Checklist was issued to Petitioner on December █ 2023, requesting verification of current bank statements, a Verification of Employment form, and paycheck stubs for █ █ with a due date of December 11, 2023. It was noted that the Department had not received the status of joint █ checking accounts listing the household members and partial account numbers. (Exhibit A, pp. 14-17). On December 1, 2023, an Employment Verification Form was issued to Petitioner requesting verification of employment for █ with a due date of December 11, 2023. (Exhibit A, pp. 11-13).

On December █ 2023, a Notice of Case Action was issued to Petitioner stating the FAP case would close effective January 1, 2024, based on not returning verification of missing check stubs for household member █. (Exhibit A, pp. 7-10). However, the December 1, 2023 Verification Checklist and Employment Verification form indicated employment verification was being requested for █. There was no evidence of a request for employment verification for █ █. Accordingly, the Department's determination cannot be upheld.

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 closed Petitioner's FAP benefit case.

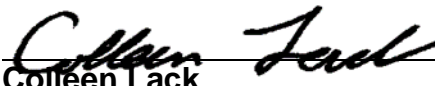
DECISION AND ORDER

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

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. Redetermine Petitioner's eligibility for FAP as of the January 1, 2024 effective date in accordance with policy. This would include allowing Petitioner the opportunity to provide any verifications that may still be needed.

CL/dm


Colleen Lack
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
Trista Waishkey
Washtenaw County DHHS
**MDHHS-Washtenaw-
Hearings@michigan.gov**

HoldenM

DensonSogbakaN

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MOAHR

Via-First Class Mail :

Petitioner

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