



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]  
[REDACTED], MI [REDACTED]

Date Mailed: April 9, 2024  
MOAHR Docket No.: 24-001598  
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 April 3, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Suzan Ferrante, Assistance Payments Worker.

### **ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) case, effective February 1, 2024, for failure to provide requested verifications?

### **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.
2. On December 5, 2023, Petitioner completed a redetermination application for FAP benefits which was due to the Department by January 31, 2024. She reported three members of her household: herself, son [REDACTED] [REDACTED] (RM), age [REDACTED] and daughter [REDACTED] [REDACTED] (AM), age [REDACTED] (Exhibit A, pp. 6 – 8).
3. On the redetermination application, Petitioner reported the following financial accounts:

- a. One checking account for Petitioner,
- b. Three checking accounts for RM,
- c. "CDs" for RM, and
- d. One savings account for AM.

(Exhibit A, p. 6).

4. On January 2, 2024, Petitioner was interviewed by the Department as part of the redetermination process. (Exhibit A, pp. 9 – 15).
5. During the interview, Petitioner reported the following financial accounts:
  - a. One checking account for herself, ending 0040,
  - b. One savings account for herself,
  - c. Three checking accounts, ending 0471, 3678, and 31421, for RM,
  - d. No Certificate of Deposit (CD) for RM, and
  - e. One savings account for AM.

(Exhibit A, p. 11).

6. On September 1, 2021, the Department obtained asset reports on RM and AM. The reports reflected the following financial accounts:
  - a. Joint Huntington National Bank savings account, ending 0297, of Petitioner and AM;
  - b. Joint Huntington National Bank savings account, ending 0471, of Petitioner and RM;
  - c. Huntington National Bank checking account, ending 3678, of RM;
  - d. Huntington National Bank checking account, ending 3142, of RM;
  - e. Huntington National Bank CD account, ending 8957, of RM; and
  - f. Huntington National Bank CD account, ending 8960, of RM.

7. On January 11, 2024, the Department sent Petitioner a Verification Checklist (VCL), requesting verification of RM's CDs. (Exhibit A, pp. 21 – 22).

8. On January 16, 2024, Petitioner submitted two ATM and/or bank balance inquiry statements for Huntington account ending 3142 from January 2024 (Exhibit A, pp.

25 – 26; see also p. 24), and one ATM and/or bank balance inquiry statement for Huntington account ending 0471 from January 2024 (Exhibit A, p. 27; see also p. 24) to the Department.

9. On February 13, 2024, the Department sent Petitioner a Notice of Case Action (NOCA), closing Petitioner's FAP case effective February 1, 2024 ongoing for failure to return requested verifications and noting that AM is an ineligible student. (Exhibit A, pp. 28 – 29).
10. On February 15, 2024, the Department received Petitioner's request for hearing disputing the closure of her FAP case. (Exhibit A, pp. 3 – 4).

### **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 to dispute the Department's closure of her FAP case. The Department closed Petitioner's FAP case due to Petitioner's failure to return requested verifications.

The Department must redetermine an individuals' eligibility for active programs at least every 12 months, which includes a thorough review of all eligibility factors. BAM 210 (January 2024), pp. 1, 3. Benefits cease at the end of the current benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 3. As part of the redetermination process, verification is usually required. BAM 130 (October 2023), p. 1. To request verification of information, the Department sends a VCL which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. The client must obtain required verification, but the local office must assist if they need and request help. BAM 130, p. 4. The Department sends an NOCA closing the client's case when the client refuses to provide the verification or when the verification due date has passed and the client has not made a reasonable effort to provide the requested documents. BAM 130, pp. 7 – 8.

In this case, Petitioner was previously certified for FAP benefits through January 31, 2024 and due for her redetermination. Through the redetermination process, Petitioner

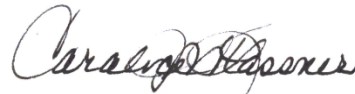
reported that her household was comprised of herself, her 22 year old son, RM, and her 19 year old daughter, AM. (Exhibit A, pp. 6, 9). In the asset section of the redetermination application, Petitioner also reported multiple financial accounts of members of the household, including “CDs” owned by RM. (Exhibit A, p. 6). However, during the redetermination interview, Petitioner reported RM never had a CD. (Exhibit A, p. 11). Petitioner’s report to the Department during her interview conflicted with her redetermination application as well as the Department’s records as the Department had previously obtained asset reports for RM and AM on September 1, 2021, which reflected that RM owned two CDs through Huntington Bank, ending in 8957 and 8960. (Exhibit A, pp. 17 – 20).

The Department sent Petitioner a VCL on January 11, 2024, requesting verification of information regarding any CDs owned by RM, specifically requesting a) a statement of value from issuer/holder/plan administrator (minus early withdrawal penalty), b) current statement from bank or financial institution, or c) DHS 20 Verification of Assets. (Exhibit A, pp. 21 – 22). The requested verifications were due to the Department by January 22, 2024. (Exhibit A, p. 21). During the hearing, Petitioner initially testified that she did not know what a CD was and that no CD accounts existed. She then testified that she provided the Department with everything she had access to and that she has no knowledge of any other accounts. While Petitioner did provide three ATM and/or bank balance inquiry statements for Huntington Bank accounts ending 3142 and 0471<sup>1</sup> to the Department on January 16, 2024, Petitioner did not return verification regarding RM’s currently or formerly held CDs. No testimony was offered by either party that Petitioner requested assistance to obtain the necessary verifications. Based on Petitioner’s failure to provide requested verifications, the Department properly closed Petitioner’s FAP case, effective February 1, 2024.

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 for failure to return requested verifications.

### **DECISION AND ORDER**

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



---

**Caralyce M. Lassner**  
Administrative Law Judge

CML/nr

---

<sup>1</sup> The Department did explain that the ATM and/or bank balance inquiry statements provided would not be acceptable for purposes of requested bank account statements; however, as bank account statements were not requested, that is not at issue in this case and is noted for Petitioner’s future reference only.

**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**  
Chelsea McCune  
Macomb County DHHS Warren Dist.  
13041 E 10 Mile  
Warren, MI 48089  
**MDHHS-Macomb-20-  
Hearings@michigan.gov**

**Interested Parties**  
Macomb 20 County DHHS  
BSC4  
M. Holden  
N. Denson-Sogbaka  
B. Cabanaw  
MOAHR

**Via-First Class Mail :**

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