



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



Date Mailed: April 30, 2024
MOAHR Docket No.: 24-003170
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford

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 April 24, 2024. Petitioner was present at the hearing and represented herself. Michael Samual, Arabic interpreter, was present at the hearing and provided translation services on behalf of Petitioner. The Department of Health and Human Services (Department) was represented by Rebecca Scott, Eligibility Specialist.

ISSUE

Did the Department properly terminate Petitioner's Food Assistance Program (FAP) benefits?

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 FAP recipient.
2. Petitioner's FAP group composition includes herself, her spouse, three daughters, and three sons. (Exhibit A, p. 23).
3. On February 12, 2024, Petitioner completed a FAP Redetermination for Food Assistance. At redetermination, Petitioner reported earned income for her spouse, and two of her sons.
4. On February 15, 2024, the Department sent Petitioner a Verification Checklist (VCL) requesting earned income verification.

5. On February 22, 2024, Petitioner submitted bank statements to the Department intended to verify income and employment for her spouse and two of her sons.
6. On February 29, 2024, the Department issued a Notice of Case Action to Petitioner notifying her that her FAP benefits would close effective February 1, 2024, because verification of her spouse's and sons' employment and income was not received.
7. On March 13, 2024, Petitioner requested a hearing to dispute the Department's decision regarding FAP and cash assistance.

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).

Petitioner requested a hearing disputing the Department's actions concerning her FAP case and Family Independence Program (FIP) benefits.

FIP

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

Petitioner indicated that she has not recently received cash assistance and she requested a FIP hearing in error. Petitioner did not wish to proceed with a FIP hearing. Therefore, Petitioner's request for hearing concerning FIP benefits is dismissed.

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.

Petitioner is disputing the Department's decision to close her FAP benefit case. The Department closed Petitioner's FAP benefit case because Petitioner did not return requested verification of her spouse's and two sons' employment that was needed to determine her eligibility for FAP benefits.

Verification is usually required by the Department at the time of application/redetermination or for a reported change affecting eligibility or benefit level. BAM 130 (January 1, 2023), p. 1. The Department must tell a client what verification is required, how to obtain it, and the due date. *Id.* at p. 3. The Department must allow the client 10 calendar days to provide requested verification. *Id.* at p. 7. The client must obtain the verification, but the local office must assist if the client needs it and asks for help. *Id.* Verifications are only considered timely if they are received by the due date. *Id.* The Department must send a Negative Action Notice when the client refuses to provide the verification, or the client has failed to provide the verification by the due date. *Id.*

At the hearing, Petitioner stated that she attempted to get paystubs for her spouse's and sons' employers but was unable to and explained that the bank statements should be sufficient for verification purposes. However, the Department noted that the bank statements were not sufficient because they did not provide information regarding hours worked and gross amount of pay. The Department must budget gross income in determining FAP eligibility. BEM 550 (February 2024), p. 1. Further, the Department pointed out that the bank statements only provided net pay information and was not informative regarding which direct deposit amounts belong to which household member. At the hearing, the Department provided alternatives for income/employment verification to Petitioner such as contacting human resources and requesting a payroll statement. Petitioner may also ask the Department for assistance, which the Department must provide. BAM 115 (January 2024), p. 2. There was no evidence presented that Petitioner requested any assistance from the Department getting spouse's and sons' pay information before the FAP case closed.

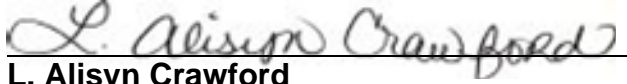
Based on the evidence presented, the Department met its burden of showing that Petitioner failed to cooperate with the Department in providing verification needed to determine her FAP eligibility. Therefore, the Department properly closed Petitioner's FAP benefit case.

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 its policies and the applicable law when the Department closed Petitioner's FAP benefit case.

DECISION AND ORDER

Accordingly, Petitioner's request for hearing concerning FIP benefits is **DISMISSED** pursuant to withdrawal of her FIP hearing request, and the Department's FAP decision is **AFFIRMED**.

LC/ml



L. Alisyn Crawford
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

Tracy Felder
Wayne-Southwest-DHHS
2524 Clark Street
Detroit, MI 48209

MDHHS-Wayne-41-Hearings@michigan.gov

Interested Parties

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Via First Class Mail:

Petitioner


MI