



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: May 1, 2024
MOAHR Docket No.: 24-003222
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 25, 2024. Petitioner was present at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Shana Bush, Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner's Application for Food Assistance Program (FAP) benefit due to failure to provide requested verification?

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 [REDACTED] 2024, Petitioner applied for FAP benefits. (Exhibit A, pp. 5-12)
2. Petitioner's FAP group composition includes herself and her three minor children.
3. On February 12, 2024, the Department conducted a FAP interview with Petitioner where she reported that she receives monthly donations from her mother. (Exhibit A, p. 17).
4. On February 15, 2024, the Department processed the FAP application, and generated a Verification Checklist (VCL) requesting verification of the monthly donation. The VCL provided a due date of February 26, 2024. (Exhibit A, pp. 19-20).

5. On February 27, 2024, the Department issued a Notice of Case Action to Petitioner notifying her that her request for FAP benefits were denied because verification of her monthly donation from her mother was not received. (Exhibit A, pp. 22-26).
6. On March 19, 2024, Petitioner requested a hearing to dispute the Department's FAP decision.

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).

In her hearing request, Petitioner disputed the Department's denial of her FAP application and referenced her need to participate in MiWorks. When asked whether she was requesting a hearing to dispute her Family Independence Program (FIP) application, Petitioner stated that she did not and agreed to withdraw her hearing request concerning FIP. Therefore, Petitioner's hearing request concerning FIP 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.

In this case, Petitioner is disputing the Department's decision to deny her request for FAP benefits. The Department denied Petitioner's FAP benefit application because Petitioner did not return requested verification of her monthly donation from her mother, which the Department needed to determine her eligibility for FAP benefits.

Verification is usually required by the Department at the time of application 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 testified that verification was provided to the Department on several occasions prior to the verification due date. Petitioner stated that she provided a letter signed by her mother and herself confirming the monthly donation. Petitioner stated that this letter was provided to Department electronically on MiBridges and in-person at a local office. Petitioner was unable to provide a date of when the letter was provided to the Department electronically and in-person. Petitioner stated they had a copy of the letter but stated that the letter was not dated, and she could not recall when she submitted the letter electronically or in-person. The Department reviewed Petitioner's case file in its database and testified that the letter was never received electronically or in-person.

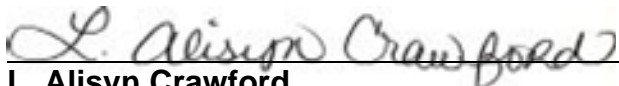
At the hearing, Petitioner expressed that she no longer receives the monthly donation and recently started a new job. The Department advised Petitioner to submit a new application for FAP. However, because Petitioner received the donation at the time of her [REDACTED] 2024 FAP application and the Department established that it did not receive the verification, it properly denied the application.

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 Petitioner's request for withdrawal for a FIP hearing is granted, and that the Department acted in accordance with its policies and the applicable law when the Department denied Petitioner's FAP benefit request.

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
Vivian Worden
Macomb County DHHS Mt. Clemens Dist.
44777 Gratiot
Clinton Township, MI 48036
MDHHS-Macomb-12-Hearings@michigan.gov

Interested Parties

BSC4
M Holden
B Cabanaw
N Denson-Sogbaka
MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
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[REDACTED] MI [REDACTED]