



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: May 15, 2024
MOAHR Docket No.: 24-003995
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 via telephone conference line on May 9, 2024. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Alice Gilmer, manager, and Crystal Stephens, specialist.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility.

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of September 2023, Petitioner was an ongoing recipient of FAP benefits.
2. As of September 2023, Petitioner received ongoing wages from [REDACTED] (hereinafter, "Employer").
3. On September 29, 2023, MDHHS mailed Petitioner a Wage Match Client Notice (WMCN) concerning ongoing wages from Employer. The due date to return the document was October 30, 2023.
4. On October 16, 2023, Petitioner returned to MDHHS a blank WMCN.

5. On March 28, 2024, MDHHS terminated Petitioner's FAP eligibility beginning May 2024 due to a failure to return a WMCN.
6. On April 9, 2024, Petitioner requested a hearing to dispute the termination of FAP benefits.
7. As of April 9, 2024, Petitioner had not returned to MDHHS a WMCN or other verification of income from Employer.

CONCLUSIONS OF LAW

The 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. MDHHS administers the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-119b, and Mich Admin Code, R 400.3001-.3011. FAP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a termination of FAP benefits. Exhibit A, pp. 3-5. A Notice of Case Action dated September 11, 2023, stated that Petitioner's FAP eligibility would end May 2024 due to a failure to verify unspecified information. Exhibit A, pp. 9-10. MDHHS testimony specified that Petitioner failed to return a WMCN concerning wages from Employer.

MDHHS routinely matches recipient employment data with the Michigan Department of Labor and Economic Opportunity (LEO) and the Unemployment Insurance Agency through computer data exchange processes. BAM 802 (April 2022) p. 1. These data exchanges assist in the identification of potential current and past employment income. *Id.*

Also, MDHHS quarterly submits the Social Security Numbers from clients to LEO to be cross-matched with the work history records submitted by Michigan employers. *Id.* This information is compared to the client's gross earnings records in MDHHS's database. *Id.* A wage match occurs when there is a discrepancy between actual income and budgeted income. When a wage match occurs, MDHHS is to request verification of the earnings by generating a DHS-4638, Wage Match Client Notice. *Id.* The WMCN automatically gives the client 30 days to provide verification. *Id.* If verifications are not returned by the 30th day, case action will need to be initiated to close the case. *Id.*

MDHHS mailed Petitioner a WMCN on September 29, 2023 concerning wages from Employer.¹ Exhibit A, pp. 6-8. Petitioner's due date to return the form was October 30, 2023. Petitioner returned a blank form to MDHHS on October 16, 2023. Petitioner testified he returned a blank WMCN after giving it to Employer's Human Resource

¹ Petitioner testified that he knows his familiar from a different, but similar name. The difference in name had no impact on whether MDHHS or Petitioner complied with policy.

Department who advised Petitioner that MDHHS would need to send the form directly. Petitioner's testimony failed to explain why he did not write this information on the document or otherwise inform MDHHS. Petitioner's failure to inform MDHHS is not consistent with a good faith effort to report wages to MDHHS.

Even accepting that Petitioner was unable to return a completed WMCN, Petitioner had another option. The WMCN stated that Petitioner could have alternatively returned to MDHHS the most recent 30 days of wage documents. MDHHS inexplicably waited several months after the WMCN was sent before sending Petitioner notice of closure. Despite the passage of several months, it was not disputed that Petitioner had not returned to MDHHS wage documents from Employer before notice of case closure occurred.

The evidence established that MDHHS properly sent Petitioner a WMCN which Petitioner did not return before case closure. The evidence further established that MDHHS did not receive 30 days of income verification from Petitioner before case closure. Thus, MDHHS properly terminated Petitioner's FAP eligibility due to a failure to verify wages. Petitioner's recourse, if FAP benefits are still needed, is to reapply.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's FAP eligibility beginning May 2024. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki

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
Denise Key-McCoggle
Wayne-Greydale-DHHS
27260 Plymouth Rd
Redford, MI 48239
**MDHHS-Wayne-15-Greydale-
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Interested Parties
Wayne 15 County DHHS
BSC4
M. Holden
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B. Cabanaw
MOAHR

Via-First Class Mail :

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