



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: July 18, 2024  
MOAHR Docket No.: 24-006685  
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 July 10, 2024. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Dania Ajami, Lead Eligibility Specialist.

### **ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) case effective April 1, 2024 ongoing 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.
2. On February 26, 2024, the Department received a completed FAP redetermination application from Petitioner. Petitioner reported his only source of income to be from [REDACTED] (Employer) and that he earned \$ [REDACTED] per month. (Exhibit A, pp. 5 – 9).
3. On April 3, 2024, the Department interviewed Petitioner as part of the redetermination process. During the interview, Petitioner reported that he was paid semi-monthly by Employer. (Exhibit A, p. 1).

4. On April 3, 2024, the Department sent Petitioner a Verification Checklist (VCL) requesting verification of Petitioner's last 30 days of income from Employer be sent to the Department by April 15, 2024. (Exhibit A, pp. 10 – 12).
5. On April 9, 2024, Petitioner emailed a paystub from Employer, dated February 1, 2024 for the pay period of January 1, 2024 through January 31, 2024, to his Department worker directly and requested to be notified if any other documentation was needed. (Exhibit 1, p. 1).
6. On May 9, 2024, the Department sent Petitioner a Notice of Case Action (NOCA) closing Petitioner's FAP benefits for failure to provide verification of his employment. (Exhibit A, pp. 14 – 18).
7. On June 4, 2024, the Department received a request for hearing from Petitioner disputing that he had failed to provide verification of his employment and income. (Exhibit A, p. 3).

### **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 closure of his FAP case for failure to provide verification of his employment and income.

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. 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. Verifications may be submitted electronically, including by email, and the date of the transmission is the receipt date. BAM 130, p. 7. The Department sends a 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, the Department sent Petitioner a VCL on April 3, 2024, requesting verification of his last 30 days of income from Employer with a due date of April 15, 2024. (Exhibit A, pp. 1, 10 – 12; Exhibit B, p. 1, Lines 22 – 25). Petitioner testified that his Department worker informed him he could submit his verification of employment and income to her by email and that she provided him with her email address by emailing him. (Exhibit 1, pp. 1 – 2). On April 9, 2024, Petitioner emailed a paystub from Employer dated February 1, 2024, for the pay period of January 1, 2024 through January 31, 2024, to his Department worker directly and requested to be notified if any other documentation was needed. (Exhibit 1, p. 1). The Department did not process its receipt of Petitioner's verification and on May 9, 2024, the Department sent Petitioner a NOCA closing Petitioner's FAP benefits for failure to provide verification of his employment. (Exhibit A, pp. 13 – 18).

The VCL did not specify how Petitioner was required to submit his verifications and Petitioner testified that the Department worker provided her email address to Petitioner for that purpose. Therefore, when Petitioner submitted a paystub for a 30 day pay period to the Department by email on April 9, 2024, it is deemed received by the Department as of that date. Based on Petitioner's submission of a recent paystub, covering a 30 day pay period, he made a reasonable effort to comply with the Department's request for verification of his income. (Exhibit 1, pp. 1 – 2).

It is noted that the paystub Petitioner emailed on April 9, 2024 was not for the most recent 30 days of his income; however, in that email Petitioner explained why he was sending that particular paystub and requested that he be advised if anything further was needed. (Exhibit 1, p. 1). Petitioner's request further establishes that Petitioner intended to comply with the Department's requirements. Therefore, because Petitioner made a reasonable effort to comply with the Department's request for verification of his income, the Department did not act in accordance with policy when it closed his FAP case for failure to provide the requested verifications.

The Department testified that even if it had properly registered its receipt of paystub provided by Petitioner, the verification was insufficient because during his FAP interview, Petitioner stated that he was paid semi-monthly and he was required to submit more than one paycheck. Petitioner explained that Employer changed its pay periods between monthly and semi-monthly at least once. The single paystub provided was for a 30-day pay period, which was what the Department requested in the VCL. Additionally, if the Department identifies a discrepancy between a client's statements and the information provided by another source, such as a paystub issued by an employer, the Department must give the client a reasonable opportunity to resolve the discrepancy. BAM 130, p. 9.

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 failed to register its receipt of Petitioner's verification of income and closed Petitioner's FAP case for failure to provide the requested verification.

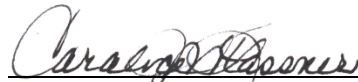
**DECISION AND ORDER**

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. Reprocess Petitioner's redetermination application received on February 26, 2024;
2. Register receipt of Petitioner's verification of income of April 9, 2024 and, if additional verifications are necessary, request such verifications in accordance with policy;
3. Redetermine Petitioner's eligibility for FAP benefits for April 1, 2024 ongoing;
4. If Petitioner is eligible for FAP benefits, issue supplemental payments to Petitioner for any FAP benefits he was eligible to receive but did not, from April 1, 2024 ongoing; and
5. Notify Petitioner of its decision in writing.

CML/nr

  
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**Caralyce M. Lassner**  
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**

Caryn Jackson  
Wayne-Hamtramck-DHHS  
12140 Joseph Campau  
Hamtramck, MI 48212

**MDHHS-Wayne-55-Hearings@michigan.gov**

**Interested Parties**

BSC4

M. Holden

N. Denson-Sogbaka

B. Cabanaw

MOAHR

**Via-First Class Mail :**

**Petitioner**

[REDACTED]  
[REDACTED], MI [REDACTED]