



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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

Date Mailed: June 3, 2022
MOAHR Docket No.: 22-001955
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 May 31, 2022, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearing Facilitator.

ISSUE

Did the Department properly reduce Petitioner's Food Assistance Program (FAP) benefit amount?

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. On May 1, 2022, Petitioner submitted a change report indicating she had moved to a new address (Exhibit A, pp. 19-20).
3. On May 2, 2022, the Department sent Petitioner a Verification Checklist (VCL) requesting verification of her new housing expense (Exhibit A, pp. 21-23).
4. On May 2, 2022, the Department sent Petitioner a Notice of Case Action informing her that her FAP benefit amount was decreasing effective June 1, 2022, due to the removal of her housing expense (Exhibit A, pp. 12-15).

5. On [REDACTED], 2022, Petitioner submitted a request for hearing disputing the Department's actions.

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.

In this case, Petitioner was an ongoing FAP recipient. On May 1, 2022, Petitioner submitted a change report indicating she had a new address. On May 2, 2022, the Department sent Petitioner a VCL requesting verification of her rental expense. Proofs were due by May 12, 2022.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2021), p. 1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. For FAP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is required. BAM 130, p. 7. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 7. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. BAM 130, p. 7. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a Department representative are considered to be received the next business day. BAM 130, p. 7. The Department sends a negative action notice when: the client indicates a refusal to provide a verification OR the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 7.

If considered questionable, verify shelter expenses at application and when a change is reported. If the client fails to verify a reported change in shelter, which is considered to be questionable, remove the old expense until the new expense is verified. BEM 554, p. 15. If questionable, verify the expense and the amount for housing expenses, property taxes, assessments, insurance and home repairs. BEM 554, p. 15.

The Department presented a lease agreement submitted by Petitioner showing that she lived at [REDACTED] beginning August 7, 2021, with a monthly rental amount of \$[REDACTED] (Exhibit A, pp. 30-37). Petitioner had previously had a FAP benefit amount based on a housing expense of \$[REDACTED] (Exhibit A, pp. 56-58). The Department testified that Petitioner had reported on April 4, 2022, a second rental increase in five months. The Department then presented the change report submitted by Petitioner on May 1, 2022, indicating that she had moved to a different address on [REDACTED]. The Department testified that because Petitioner had reported three different rental amounts in two months, Petitioner was sent a VCL requesting verification of her rent at the [REDACTED] address. The Department testified that Petitioner did not submit verification of the [REDACTED] Avenue rental expense. As a result, Petitioner's housing expense was removed.

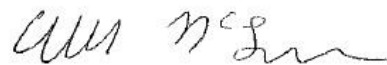
At the hearing, Petitioner denied reporting that her rent increased at the [REDACTED] address. Petitioner testified that in April 2022, she received an eviction notice from her apartment management company. Petitioner indicated that renovations were taking place and that the rent was increasing. Petitioner reported that she ceased paying rent at [REDACTED] in May 2022. Petitioner also testified that she was still partially living at [REDACTED] as well as at her aunt's house on [REDACTED]. Petitioner indicated that she is paying her aunt a monthly rental expense of \$[REDACTED].

The Department was reasonable in its request for verification of Petitioner's new rental expense. Petitioner failed to submit verification of her new rental expense. As such the Department properly followed policy when it removed Petitioner's rental expense from her FAP budget. Therefore, the Department properly followed policy when it reduced Petitioner's FAP benefit amount.

DECISION AND ORDER

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 reduced Petitioner's FAP benefit amount. Accordingly, the Department's decision is **AFFIRMED**.

EM/tm



Ellen McLemore
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

Email Recipients:

MDHHS-Wayne-19-Hearings
M. Holden
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