



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], MI [REDACTED]

Date Mailed: December 14, 2022  
MOAHR Docket No.: 22-005151  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Linda Jordan**

**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 on December 5, 2022 via teleconference. Petitioner appeared and represented himself. The Michigan Department of Health and Human Services (MDHHS or Department) did not appear

**ISSUES**

1. Did Petitioner present a triable issue regarding Food Assistance Program (FAP) benefits?
2. Did MDHHS properly deny Petitioner's application for Family Independence Program (FIP) cash assistance?

**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], 2022, Petitioner applied for FIP benefits (Exhibit 1, p. 1).
2. On [REDACTED] 2022, Petitioner applied for FAP benefits on behalf of himself and his daughter (Exhibit 1, pp. 15-17).
3. On October 6, 2022, MDHHS sent Petitioner a Verification Checklist (VCL) requesting proof of his daughter's school attendance, his relationship with his daughter, and verification of his residential address (Exhibit 1, pp. 8-9). The VCL indicated that the requested proofs were due by October 17, 2022 (Exhibit 1, p. 8).

4. On October 22, 2022, MDHHS sent Petitioner a Notice of Case Action denying Petitioner for FIP benefits, effective [REDACTED] 2022 ongoing (Exhibit 1, p. 6). The reasons given for the denial was that Petitioner failed to return certain verifications and failed to cooperate in pursuing other benefits (Exhibit 1, p. 7).
5. On November 2, 2022, MDHHS sent Petitioner a Notice of Case Action indicating that his FAP benefit rate had increased to \$[REDACTED] per month for a household of two, beginning October 1, 2022 (Exhibit 1, p. 11).
6. On [REDACTED], 2022, Petitioner filed a request for hearing (Exhibit 1, pp. 4-5).

### **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).

MDHHS did not participate in the hearing. However, MDHHS prepared a Hearing Packet for the hearing, which included documents relevant to Petitioner's case. The documents were offered for admission by Petitioner and were admitted during the hearing as Petitioner Exhibit 1.

#### **The Food Assistance Program (FAP)**

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 FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 792.10101 to R 792.10137 and R 792.11001 to R 792.11020. Rule 792.11002(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance is denied or is not acted upon with reasonable promptness, has received notice of a suspension or reduction in benefits, or exclusion from a service program, or has experienced a failure of the agency to take into account the recipient's choice of service.

Clients have the right to contest an MDHHS decision that affects eligibility or benefit levels whenever they believe the decision is incorrect. BAM 600 (March 2021), p. 1. The Michigan Office of Administrative Hearings and Rules (MOAHR) may grant a hearing

regarding the denial of an application and/or supplemental payments, the reduction in the amount of program benefits or service, the suspension or termination of program benefits or service, restrictions under which benefits or services are provided, and delays beyond the standards of promptness. BAM 600, p. 5.

At the hearing, Petitioner stated that the issue with his FAP case had been resolved and that his FAP benefits were approved by MDHHS. The record shows that Petitioner's FAP benefit rate increased effective October 1, 2022 (Exhibit 1, p. 11). Petitioner confirmed that there was no remaining dispute regarding his FAP benefits. Accordingly, Petitioner's Request for Hearing regarding his FAP benefits is **DISMISSED** for failure to present a triable issue.

### **The Family Independence Program (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. MDHHS 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.

In this case, MDHHS denied Petitioner's application for FIP benefits for failing to provide the requested verifications by the deadline. Additionally, the Notice of Case Action indicated that Petitioner failed to cooperate in pursuing other benefits (Exhibit 1, p. 7). However, MDHHS did not appear at the hearing to provide testimony regarding Petitioner's alleged failure to pursue other benefits and did not include any additional information regarding this issue in the Hearing Packet. Therefore, this Decision addresses the verification issue only.

MDHHS must request verification when required by policy or when information regarding an eligibility factor is unclear, inconsistent or contradictory. BAM 130 (January 2022), p. 1. When MDHHS determines that verification is necessary, it must tell the client what verification is required, how to obtain it and the due date. *Id.*, p. 3. MDHHS uses a VCL to request verification. *Id.* Verifications are considered timely if they are received by the date that they are due and MDHHS must allow the client at least ten calendar days to provide the verification requested. *Id.*, p. 7. For FIP, if the client contacts MDHHS prior to the due date requesting an extension or assistance in obtaining verifications, the specialist may grant an extension to the VCL due date. *Id.* MDHHS sends a negative action notice when the client indicates a refusal to provide a verification, or the time period given has lapsed and the client has not made a reasonable effort to provide it. *Id.* For FIP, MDHHS is required to verify school and attendance for minor children beginning at age seven. BEM 245 (April 2021), p. 11.

On October 6, 2022, MDHHS requested verification of Petitioner's residential address and Petitioner's relationship with his daughter and her school attendance records (Exhibit 1, pp. 8-9). At the hearing, Petitioner testified that he provided MDHHS with all the requested information by the deadline and that he dropped off the documents in-person using the drop box at his local MDHHS office. Petitioner's testimony was

credible and un rebutted. Accordingly, Petitioner has demonstrated that he has complied with or has attempted to comply with MDHHS' verification requests. There is no evidence that Petitioner refused to cooperate and MDHHS did not appear to provide testimony regarding whether the documents Petitioner provided were lost or insufficient in some way.

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 MDHHS failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's application for FIP benefits.

### **DECISION AND ORDER**

Petitioner's Request for Hearing regarding FAP benefits is **DISMISSED**.

MDHHS decision to deny Petitioner's application for FIP benefits is **REVERSED**.

MDHHS 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. Reregister and redetermine Petitioner's eligibility for FIP benefits from [REDACTED] 2022 ongoing, requesting additional information from Petitioner, if necessary;
2. Issue supplements to Petitioner for any FIP benefits that he was eligible to receive but did not from [REDACTED] 2022 ongoing; and
3. Notify Petitioner in writing of its decision.

LJ/tm

  

---

**Linda Jordan**  
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**  
Richard Latimore  
Wayne-Conner-DHHS  
4733 Conner  
Detroit, MI 48215  
**MDHHS-Wayne-57-  
Hearings@michigan.gov**

**Interested Parties**  
B. Sanborn  
M. Schoch  
BSC4

**Via-First Class Mail :**

**Petitioner**

████████████████████  
████████████████████  
████████, MI ██████████