



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: March 9, 2023
MOAHR Docket No.: 23-000296
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 February 28, 2023, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Kathy Burr and Shaun-Tee Chambell. Department Exhibit 1, pp. 1-26 was received and admitted.

ISSUE

Did the Department properly closed Petitioner's Food Assistance Program (FAP) case for failing to return 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 a recipient of FAP benefits.
2. Pursuant to a redetermination interview, a Verification Checklist was sent to Petitioner on December 8, 2022, with a December 19, 2022, due date, requesting verification of child support and self-employment income.
3. On December 21, 2022, Petitioner contacted her worker with questions about how to complete the self-employment income forms. Petitioner's worker returned her call and left a message explaining how to complete the forms when she was unable to reach her.
4. On December 28, 2022, Notice of Case Action was sent to Petitioner informing her that her FAP case was closing for failing to return verifications.

5. On January 17, 2023, Petitioner requested hearing disputing the closure of FAP benefits.
6. Petitioner reapplied on [REDACTED] 2023 and was approved for FAP.

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.

Timeliness of Verifications

FIP, SDA, RCA, Child Development and Care (CDC), FAP

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested.

For CDC, if the client cannot provide the verification despite a reasonable effort, extend the time limit at least once.

For CDC, at redetermination, if a signed MDHHS-1010 or application is received, generate a VCL and allow 10 calendar days for the client to provide the verifications. If the verifications are not returned or are returned as incomplete, two 10 calendar day extensions must be given, sending VCLs after each verification due date. Clients are not required to request the extensions.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email, or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through

the drop box or by delivery of a MDHHS representative are considered to be received the next business day.

Send a negative action notice when:

The client indicates 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

In this case, on December 8, 2022, in her redetermination interview Petitioner disclosed voluntary child support income and self-employment income. A verification checklist was sent to Petitioner on December 8, 2022, with a December 19, 2022, due date requesting verification of child support income and self-employment income. On December 21, 2022, Petitioner reached out to her worker with questions about her to complete the self-employment forms and the worker responded with a voicemail explaining how to complete the form. On December 28, 2022, Notice of Case Action was sent to Petitioner informing her that her case closed for failing to return requested verifications because the self-employment forms had not been received. Petitioner was clearly instructed both at her interview and on the verification checklist regarding what she needed to submit but she failed to submit the documents prior to the deadline. In fact, Petitioner did not reach out for clarification until after the deadline had passed. Therefore, the Department closure for failing to return verifications was proper and correct and consistent with Department policy. BAM 130

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 closed Petitioner's FAP case for failing to verify income.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

AM/nr



Aaron McClintic
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
Courtney Jenkins
Washtenaw County DHHS
22 Center Street
Ypsilanti, MI 48198
**MDHHS-Washtenaw-
Hearings@michigan.gov**

Interested Parties
Washtenaw County DHHS
BSC4
M. Holden
D. Sweeney
MOAHR

Via-First Class Mail :

Petitioner

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