



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: July 27, 2023
MOAHR Docket No.: 23-003519
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 July 20, 2023. Petitioner appeared and was unrepresented. [REDACTED], Petitioner's mother, testified on Petitioner's behalf. The Michigan Department of Health and Human Services (MDHHS) was represented by Janika Muckles, supervisor, and Khaleah Cameron, specialist.

ISSUE

The issue is whether MDHHS properly denied Petitioner's application for Food Assistance Program (FAP) benefits.

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] 2023, Petitioner applied for FAP benefits and reported employment income.
2. On April 11, 2023, during an application interview, Petitioner reported starting employment on April 3, 2023, being paid biweekly, and that wages were not yet received. Respondent also stated he was unsure when his first check would be received.
3. On May 4, 2023, MDHHS mailed Petitioner a Verification Checklist (VCL) requesting proof of 30 days of wages by May 15, 2023.

4. On May 8, 2023, Petitioner submitted to MDHHS 30 days of check stubs from employment.
5. On June 2, 2023, MDHHS denied Petitioner's application due to a failure to verify income.
6. On June 22, 2023, Petitioner verbally requested a hearing to dispute the denial of FAP benefits.

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 verbally requested a hearing to dispute a denial of FAP benefits.¹ Exhibit A, p. 3. Petitioner applied for FAP benefits on April 5, 2023. Exhibit A, pp. 5-15. A Notice of Case Action dated June 2, 2023, stated that Petitioner's FAP benefit application was denied due to a failure to verify employment income. Exhibit A, pp. 26-30.

Employment income must be verified at application. BEM 501 (July 2022) p. 10. For all programs, MDHHS is to tell the client what verification is required, how to obtain it, and the due date. BAM 130 (July 2021) p. 3. MDHHS is to use the DHS-3503, Verification Checklist (VCL), to request verification. *Id.* MDHHS is to allow the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. *Id.*, p. 7. MDHHS is to 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. *Id.*

Petitioner reported to MDHHS having recently started employment on his benefit application. Petitioner reported the same to MDHHS during an application interview on April 11, 2023. Exhibit A, pp. 16-22. Petitioner's assigned specialist credibly testified that she called Petitioner's reported employer to verify his wages on the date of interview; she also credibly testified receiving no response. MDHHS eventually sent Petitioner a VCL on May 4, 2023, requesting proof of 30 days of Petitioner's wages. Exhibit A, pp. 23-25. An MDHHS specialist and supervisor each testified that Petitioner's electronic case file showed that Petitioner did not submit income records until June 9, 2023.

¹ Clients may verbally request hearings to dispute FAP eligibility (see BAM 600).

Petitioner's mother testified she submitted to MDHHS her son's income documents multiple times in May 2023. She also testified that multiple submissions were made because MDHHS kept informing Petitioner that income records were not received. Petitioner's mother's testimony was verified by MiBridges documentation listing uploads for earned income on May 8, 10, 22, 23, and 25. Exhibit A, pp. 34-35. Petitioner additionally testified that he dropped off documents to the local MDHHS office on May 25, 2023, and signed a logbook verifying his effort.

MDHHS did not rebut the documentation seemingly verifying multiple submissions through its app. It is unknown how multiple submissions through the app did not result in MDHHS's receipt of the documents; however, no evidence was presented by MDHHS to explain the mystery. MDHHS also did not rebut Petitioner's testimony that he submitted the documents on May 25, 2023. Given the evidence, Petitioner submitted proof of employment income to MDHHS as early as May 8, 2023.

MDHHS contended that even if Petitioner's employment proofs were received on May 8, 2023, the documents would have failed to adequately verify Petitioner's wages. The employment proofs received by MDHHS on June 9, 2023, were copies of checkbook tabs which did not include pay dates or an employer name. MDHHS contended the proofs were insufficient verification of wages.

MDHHS's contention that Petitioner's proofs were not acceptable is unpersuasive for two reasons. First, Petitioner is not responsible for the pay documents he receives from his employer. Petitioner credibly testified that he received no better documents from his employer to submit to MDHHS. Secondly, MDHHS policy allows check stubs as an acceptable verification without a known requirement for a pay date or employer name. If MDHHS doubted the authenticity of the check stubs, it could have called Petitioner's employer for corroboration.²

The evidence failed to establish that MDHHS properly denied Petitioner's FAP benefit application following a request for verification. Instead, the evidence established that Petitioner submitted to MDHHS requested employment income verification on May 8, 2023. Petitioner's submission was past the verification due date from the VCL, but still before MDHHS denied Petitioner's application in June 2023; thus, MDHHS could have accepted and processed Petitioner's application dated [REDACTED] 2023 subject to subsequent processing requirements.³

² It is understood that MDHHS could not have in the present case because it did not possess the check stubs until June 9, 2023. At that point, there was no need to verify the authenticity of the stubs.

³ MDHHS is to "subsequently process" applications when a client complies with application requirements between 30-60 days after the application date. Subsequent processing requires MDHHS to evaluate FAP eligibility from the date of compliance rather than from the date of application.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Petitioner's FAP benefit application dated [REDACTED] 2023. MDHHS is ordered to commence the following actions within 10 days of the date of mailing of this decision:

- (1) Reprocess Petitioner's FAP application dated [REDACTED] 2023, subject to the finding that Petitioner submitted acceptable verification of wages on May 8, 2023; and
- (2) Issue notice and benefit supplements, if any, in accordance with policy.

The actions taken by MDHHS are **REVERSED**.

CG/mp


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 :

Interested Parties

MDHHS-Wayne-15-Greydale-Hearings

D. Sweeney

M. Holden

MOAHR

BSC4

Via-First Class Mail :

Petitioner

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