



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

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Date Mailed: October 6, 2023
MOAHR Docket No.: 23-005128
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 September 26, 2023, from Lansing, Michigan. ██████ ██████ the Petitioner, appeared on his own behalf. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearing Facilitator.

During the hearing proceeding, the Department's hearing summary packet was admitted as Exhibit A, pp. 1-16. Petitioner's additional documentation was admitted as Exhibit 1, pp. 1-8.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefit case?

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 July ██████ 2023 a Verification Checklist was issued to Petitioner requesting verification of income for household member ██████ with a due date of August 7, 2023. Specifically, the final check stub for ██████ was requested. (Exhibit A, pp. 8-10)
2. On August ██████ 2023, the Department reviewed the case and found that the requested verification had not been received. (Exhibit A, p. 1)

3. On August █ 2023, a Notice of Case Action was issued to Petitioner stating the FAP case would close effective September 1, 2023, based on the failure to provide requested verifications. (Exhibit A, pp. 11-14)
4. On August 21, 2023, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 2-5)

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).

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 general, verification is to be obtained when information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. The Department must tell the client what verification is required, how to obtain it, and the due date. The client must obtain required verification, but the Department must assist if the client needs and requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department should use the best available information. If no evidence is available, the Department is to use their best judgment. BAM 130, January 1, 2023, pp. 1-4.

For FAP, the Department must allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. The Department is to send a case 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. Further, if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, the Department is to assist the client with the verifications but not grant an extension. The Department is to explain to the client they will not be given an extension and their case will be denied once the VCL due date is passed. Also, their eligibility will be determined based on their compliance date if they return required verifications. The Department is to reregister the application if the client complies within 60 days of the application date. BAM 130, pp. 7-8.

In this case, a Verification Checklist was issued to Petitioner on July █ 2023 requesting verification of income for household member █ with a due date of August 7, 2023. Specifically, the final check stub for █ was requested. (Exhibit A, pp. 8-10). On August 10, 2023, the Department reviewed the case and found that the requested verification had not been received. (Exhibit A, p. 1). Accordingly, on August █ 2023, a Notice of Case Action was issued to Petitioner stating the FAP case would close effective September 1, 2023, based on the failure to provide requested verifications. (Exhibit A, pp. 11-14).

Petitioner asserted that he had previously provided the last check stubs for █ to the Department around June █ 2023. At that time Petitioner provided her last regular check stub, a check stub for a bonus, and a check stub for some after school work she did. Petitioner testified that he did not receive the recent check list until August. Petitioner provided the requested verifications for █ as well as his last check stub to the Department and MOAHR for this hearing. (Petitioner Testimony; Exhibit 1, pp. 1-6.).

The Hearing Facilitator reviewed the electronic case record regarding the documentation Petitioner submitted in June. At that time Petitioner provided four documents, but they were all copies of the same letter stating that █ would be off work. The Department did not receive Petitioner's last pay stub until August 21, 2023 and █ last pay stub until September 8, 2023. Further, the phone call the Department received from Petitioner regarding the checklist was on August 17, 2023, which was after the due date. (Hearing Facilitator Testimony).

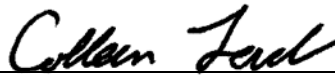
Overall, the evidence establishes that the Department acted in accordance with Department policy when it closed Petitioner's FAP case. Petitioner did not provide the requested verification, █ last pay check stub, or any response to the verification checklist by the August 7, 2023 due date.

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 benefit case.

DECISION AND ORDER

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

CL/dm



Colleen Lack
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
Susan Noel
Wayne-Inkster-DHHS
MDHHS-Wayne-19-
Hearings@michigan.gov

HoldenM

SweeneyD1

BSC4HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]