



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

[REDACTED]
MI [REDACTED]

Date Mailed: October 23, 2023
MOAHR Docket No.: 23-005821
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 October 18, 2023. Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) was represented by Tom Jones, Assistant Payments Supervisor.

ISSUE

Did MDHHS properly deny Petitioner's application for the Food Assistance Program (FAP) for failure to return verification of income from child support?

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 submitted an application for FAP for a group size of four. Petitioner reported that she receives child support income for two of her children (Exhibit A, pp. 6-19).
2. On August 16, 2023, MDHHS issued a Verification Checklist (VCL), requesting that Petitioner submit verification of employment, of child support, and of her address to MDHHS by August 28, 2023 (Exhibit A, pp. 22-24).
3. On an unknown date, Petitioner spoke to a MDHHS caseworker regarding verification of child support unearned income. The caseworker advised Petitioner that MDHHS can access that information via a database and Petitioner did not need to submit anything further.

4. Petitioner timely submitted all requested verifications except for verification of child support (Exhibit A, p. 25).
5. On September 8, 2023, MDHHS issued a Notice of Case Action to Petitioner, informing her that her FAP application was denied for failure to return verification of unearned income (Exhibit A, pp. 27-32).
6. On September 18, 2023, MDHHS received Petitioner's timely submitted hearing request (Exhibit A, pp. 3-5).

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 this case, MDHHS testified that the only denial reason for Petitioner's FAP application was for failure to return verification of child support income. Petitioner disputes the denial of her application, testifying that a MDHHS case worker advised Petitioner that MDHHS can access child support income information via a database and Petitioner did not need to submit anything further.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2023), p. 1. MDHHS should use a particular source if it is the most reliable (public records, data matches). BAM 130, p. 6. At application, MDHHS must check all available automated systems matches to see if income has started, stopped, or changed (for example: consolidated inquiry (CI), SOLQ, etc.). BAM 105 (July 2023), p. 19. MDHHS should only 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, p. 7.

Here, Petitioner credibly testified that she was advised by MDHHS that she did not need to submit verification of child support income because they could access that information from a CI search, since the child support is court-ordered. Petitioner testified that based on this advice, she did not take any further action. As stated by policy, MDHHS must check all automated systems to verify income status. This would ensure

that MDHHS has the most accurate income information as well. Given that Petitioner did not refuse to provide verification and MDHHS failed to obtain the child support income information from an available database, MDHHS did not act in accordance with policy in denying Petitioner's FAP application for failure to return requested verifications.

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 did not act in accordance with Department policy when it denied Petitioner's FAP application for failure to return verification of child support income.

DECISION AND ORDER

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

THE DEPARTMENT 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 the [REDACTED] 2023 FAP application;
2. Reprocess the application/recalculate the FAP budget for August 15, 2023, ongoing;
3. If Petitioner is eligible for benefits, issue supplements to Petitioner for any FAP benefits she was eligible to receive but did not from August 15, 2023, ongoing;
4. Notify Petitioner of its decision in writing.

DN/mp



Danielle Nuccio

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-Oakland-6303-Hearings
D. Sweeney
M. Holden
MOAHR
BSC4

Via-First Class Mail :

Petitioner

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