



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]
[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: October 20, 2023
MOAHR Docket No.: 23-005867
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 18, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Beth Bressler.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's 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. Petitioner was an ongoing recipient of Food Assistance Program (FAP) benefits on July [REDACTED] 2023, when the Department received her completed Redetermination form. Exhibit A, p 7.
2. Department records indicate that during a redetermination interview on August [REDACTED] 2023, Petitioner reported that she received \$[REDACTED] from her mother's estate and has another cashier's check for \$[REDACTED]. Exhibit A, pp 12-18.
3. On August [REDACTED] 2023, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of her cash assets by August [REDACTED] 2023. Exhibit A, pp 21-23.
4. On August [REDACTED] 2023, the Department received a copy of a receipt showing that Petitioner has cashed a \$[REDACTED] check. Exhibit A, p 24.
5. On August [REDACTED] 2023, the Department received a debit card document that did not list a balance. Exhibit A, pp 27-28.

6. On August [REDACTED] 2023, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits effective September 1, 2023. Exhibit A, pp 31-34.
7. On September 15, 2023, the Department received Petitioner's request for a hearing protesting the closure of her Food Assistance Program (FAP) benefits. Exhibit A, pp 4-6.

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) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (October 1, 2023), p 9.

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 when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (October 1, 2023), pp 1-10.

Petitioner was an ongoing FAP recipient when the Department initiated a routine review of her eligibility for ongoing benefits. During her redetermination interview, Petitioner reported that she received \$[REDACTED] from her mother's estate and has another cashier's check for \$[REDACTED]. On August [REDACTED] 2023, the Department requested verification of her cash assets by August [REDACTED] 2023.

Petitioner submitted documents on August [REDACTED] 2023, that did not verify the balance of her available cash assets. While the amount of cash assets self-reported by Petitioner is less than the \$15,000 limit, the Department's representative credibly testified that based on Petitioner's disclosure that she had received assets from a parent's estate and Petitioner

having a prior Intentional Program Violation, that self-attestation was not reliable verification of countable assets under these circumstances.

Petitioner testified that the assets she received from her mother's estate were not available to her but were to be passed on to her son.

However, even if those assets were not available to Petitioner, she failed to provide the Department with reliable verification of the balance of her countable assets.

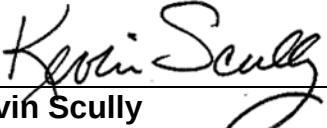
Petitioner provided a document showing a withdrawal on September 29, 2023, leaving a balance of \$[REDACTED]. This document does not contain Petitioner's name and is insufficient verification of her cash assets. Further, this document from September 29, 2023, was not received timely for the Department to accurately determine her eligibility for ongoing benefits prior to August [REDACTED] 2023.

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 Food Assistance Program (FAP) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dm



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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
Cindy Tomczak
Berrien County DHHS
MDHHS-Berrien-
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BSC3HearingDecisions

Via-First Class Mail :

MOAHR
Petitioner

[REDACTED]
[REDACTED]
[REDACTED]