



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 30, 2023
MOAHR Docket No.: 23-006097
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 25, 2023. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Tom Jones, Assistance Payments Supervisor.

ISSUE

Did the Department properly deny Petitioner's request for cash (Family Independence Program (FIP) or State Disability Assistance (SDA)) assistance?

Did the Department properly deny Petitioner's request for Food Assistance Program (FAP) benefits based upon a failure to verify requested information?

Did the Department properly deny Petitioner's request for State Emergency Relief (SER)?

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, the Department received Petitioner's application for FAP, cash, and SER benefits (relocation expenses).
2. At the time of Petitioner's application interview on August 16, 2023, Petitioner reported that she was homeless and living in her car at the time of her application, but that her car was now in the shop, and she was staying at a friend's home until her car was ready.

3. On August 17, 2023, the Department issued a Verification Checklist (VCL) to Petitioner requesting proof of wages and other income by August 28, 2023.
4. On the same day, the Department issued a Notice of Case Action to Petitioner advising her that her application for cash assistance had been denied because she did not have a disability nor was a dependent child, caretaker/relative of a child, pregnant, aged, or a refugee.
5. On the same day, the Department issued a State Emergency Relief Decision Notice (SERDN) to Petitioner advising her that her application for SER relocation assistance had been denied because she did not have a court ordered eviction notice.
6. On the same day, the Department issued a New Hire Client Notice to Petitioner for her employment at [REDACTED] with a due date of August 28, 2023. The form stated on page 2: "SAVE ALL PAY STUBS FROM THE REPORTED EMPLOYMENT. Your specialist will be requesting your pay stubs for your next eligibility review. If you have already received a paycheck, return the pay stubs with the completed form." Respondent completed the form but did not return any pay stubs.
7. On the same day, the Department issued an Employment Verification Form to Petitioner for Petitioner's job at [REDACTED] with a due date of August 28, 2023. At the top of page two, just above the sections to be completed, the form states "to be completed by the employer." Respondent completed the form.
8. On August 18, 2023, the Department issued a Wage Match Client Notice to Petitioner for her employment with [REDACTED], [REDACTED], and [REDACTED] with due dates of August 28, 2023 and September 18, 2023 respectively. Each Wage Match Client Notice stated in bold "The Wage Verification on page 2 must be completed by the employer listed above. The form must be filled out entirely, signed and dated. Return the completed form or paystubs for the last 30 days to your specialist in the enclosed envelope by [due date]."
9. Petitioner completed the forms and returned them herself. They were not signed or completed by the employers, and she did not return paystubs for any of the employers.
10. On September 5, 2023, the Department issued a Notice of Case Action to Petitioner advising her that her application for FAP had been denied because the Department had not received verification of earned income for Petitioner.
11. On September 15, 2023, the Department received Petitioner's request for hearing disputing the Department's denial of FAP, cash, and SER assistance.

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).

Food Assistance Program (FAP)

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. 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, Petitioner's FAP application was denied for failure to verify requested income verifications. Verifications are required at application, redetermination, or when there is a reported change. BAM 130 (January 2023), p. 1. The Department is required to tell the client what verification is required, how to obtain it, and the due date, often using a VCL. BAM 130, p. 3. The Department is required to give the client ten calendar days to obtain the requested verifications. BAM 130, p. 7. Negative action notices are sent when the client indicates a refusal to provide a verification, or the time period given has lapsed and the client has not made a reasonable effort to provide it. *Id.* Wage Match Client Notices are issued to the client when data matches between the Department and the Department of Labor and Economic Opportunity and Unemployment Insurance Agency show a discrepancy in the wages reported to the Department. BAM 802 (April 2022), pp. 1-2. New Hire Client Notices are issued to clients when there are discrepancies in reported information to the Department and the Michigan New Hire Operations Center or the National Directory of New Hires. BAM 807 (April 2022), p. 1; BAM 813 (January 2021), p. 1. Both the Wage Match and New Hire notices are based upon the client's social security number. Failure to provide the completed wage match within 30 days results in a closure of the FAP case. BAM 802, p. 2. Failure to provide the requested verifications for the new hire notice within ten days results in closure of the FAP case. BAM 807, p. 2.

Petitioner received and completed all forms herself contrary to the instructions on the forms. She also failed to provide any pay stubs as verification for any of her former employers. Therefore, the Department properly denied Petitioner's FAP application.

Cash

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

The Department denied Petitioner's application for cash assistance because she is not disabled nor is she aged, a dependent child, or the caretaker of a dependent child. To receive SDA cash assistance, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261 (April 2017), p. 1. FIP provides financial assistance to families with children. BEM 100 (April 2023), p. 1. Petitioner is not the caregiver of anyone nor is she disabled or aged. Therefore, Petitioner is not eligible for cash assistance.

State Emergency Relief (SER)

The SER program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

The Department denied Petitioner's request for relocation assistance because she did not have a court ordered eviction. To be eligible for relocation assistance, the group must be homeless, meaning there is no housing that the group can return to and has a primary night-time residence that is a public or private place not meant for human habitation, is living in an emergency shelter designated for temporary living arrangements, or is exiting a situation where they have resided for 90 days or less and lived in an emergency shelter immediately before that situation. ERM 303 (October 2022), pp. 1-2. A group living with friends or relatives is not homeless even if the arrangement is temporary unless they are living together to escape a fire or natural disaster occurring not more than 60 days before the application, the group is trying to escape domestic violence, or otherwise meets eligibility requirements for other homeless programs.

At the time of Petitioner's application interview, she was living with her friend, even though it was temporary and there was no evidence of a natural disaster, fire, domestic violence, or other homeless program eligibility. Therefore, the Department properly denied Petitioner's SER application.

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 denied Petitioner's FAP, cash, and SER applications.

DECISION AND ORDER

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

AM/mp



Amanda M. T. Marler
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

N. Denson-Sogbaka

E. Holzhausen

L. Karadsheh

J. McLaughlin

B. Cabanaw

B. Sanborn

M. Holden

Via-First Class Mail :

Petitioner

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