



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]

Date Mailed: November 7, 2023
MOAHR Docket No.: 23-006314
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 November 1, 2023, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Kristy Janssen.

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. On December [REDACTED] 2022, the Department received Petitioner's application for Food Assistance Program (FAP) benefits. Exhibit A, p 15.
2. Petitioner reported on his December [REDACTED], 2022, application form that he was living at [REDACTED] and was not employed, which was inconsistent with records from the Department's electronic database. Exhibit A, p 21.
3. On an application for assistance dated January [REDACTED] 2023, Petitioner reported that he was living at [REDACTED] and that he was not employed. Exhibit A, pp 24-30.
4. On an application for assistance dated April [REDACTED] 2023, Petitioner reported that he was living at [REDACTED] and that he was not employed. Exhibit A, pp 33-38.

5. On August █ 2023, the Department sent Petitioner a New Hire Client Notice (DHS-4635) addressed to █ with an August 14, 2023, due date. Exhibit A, p 12.
6. On August █ 2023, the Department sent notice to Petitioner addressed to █ that he was not eligible for Food Assistance Program (FAP) benefits effective September 1, 2023. Exhibit A, p 7.
7. On September 28, 2023, the Department received Petitioner's request for a hearing protesting the closure of his Food Assistance Program (FAP) benefits. 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) 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 applied for FAP benefits on December █ 2022, and reported that he was living at █. On January █ 2023, Petitioner reported that he was living at █. On April █ 2023, Petitioner reported that he was living at █. Petitioner also reported that he was not employed on each of his applications, which was inconsistent with the Department's electronic database.

On August █ 2023, the Department requested that Petitioner provide verification of his employment and income history by sending him a New Hire Client Notice addressed to █ with an August 14, 2023, due date. On August 17, 2023, the Department had not received verification of Petitioner's employment and income, and it notified Petitioner that his FAP benefits would close due to his failure to provide the Department with information necessary to determine his eligibility to receive benefits.

Petitioner testified that he does not receive mail at █ and that his mailing address is a post office box. Petitioner testified that he was instructed by a Department employee that he was not allowed to use a post office box as his mailing address of record with the Department. Petitioner failed to offer any evidence that he was given improper instructions about using a post office box as a mailing address as there is no prohibition against using a post office box.

The hearing record supports a finding that Petitioner was sent a written request for verification of his employment status and income level for the purposes of determining his eligibility for ongoing benefits. While a presumption arises that a letter with a proper address and postage will, when placed in the mail, be delivered by the postal service, this presumption can be rebutted with evidence that the letter was not received. If such evidence is presented, as it was here, then a question of fact arises regarding whether the letter was received. [Citations omitted.] *Goodyear Tire & Rubber Co v Roseville*, 468 Mich 947; 664 NW2d 751 (2003).

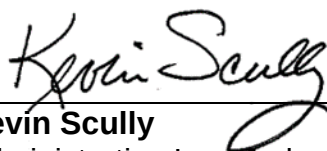
In this case, the Department presented substantial evidence that the Department sent Petitioner a valid request for verification that was addressed to his mailing address of record and Petitioner failed to rebut the presumption of receipt.

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 due to his failure to provide the Department with information necessary to determine his eligibility to receive 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
Jennifer Weston
Van Buren County DHHS
MDHHS-VanBuren-
Hearings@michigan.gov

HoldenM

DensonSogbakaN

BSC3HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED]