



GRETCHEN WHITMER  
GOVERNOR

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

MARLON BROWN DPA  
DIRECTOR

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

Date Mailed: April 19, 2024  
MOAHR Docket No.: 24-002746  
Agency No.: [REDACTED]0  
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 April 15, 2024. 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 determine Petitioner's Food Assistance Program (FAP) eligibility?

**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 October 16, 2023, the Department received verification of Petitioner's annuity via a letter dated August 8, 2023 showing she receives \$ [REDACTED] per month as her gross benefit.
2. In January 2024, the Department received Petitioner's application for FAP benefits.
3. On February 23, 2024, the Department issued a Verification Checklist (VCL) to Petitioner requesting verification of her annuity by March 4, 2024.
4. On February 28, 2024, the Department received Petitioner's request for hearing disputing the Department's failure to process her application.
5. On March 4, 2024, the Department received the same verification of annuity dated August 8, 2023 from Petitioner as had been submitted in October 2023.
6. On March 6, 2024, the Department issued a Notice of Case Action to Petitioner advising her that her application had been denied because the verification of annuity

payment she submitted was too old, dating from August of 2023, and all verifications must be current.

7. At the hearing, the parties agreed to address the Notice of Case Action dated March 6, 2024 as part of the hearing even though it was completed after the hearing request was submitted.

### **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, Petitioner disputes the Department's denial of FAP benefits and failure to process her application. By the time of the hearing in this case, Petitioner's FAP application had been processed, therefore, this issue is moot and not addressed by this decision.

Turning to Petitioner's concern over the denial of her FAP application for failure to verify her annuity, pursuant to policy, the Department is required to verify income at application, redetermination, or when there is a reported change. BEM 503 (January 2023), p. 43; BAM 130 (October 2013), p. 1. This includes verification of annuities. BEM 503, pp. 4 and 403. For purposes of verification, permanent documents such as birth certificates, passports, divorce papers, and death notices, only need to be verified once. BAM 130, p. 2. Nonpermanent documents must be current including things like driver's licenses, pay stubs, utility bills, Medical Social Questionnaires, and other items. *Id.* To be considered current for verification of income, the verification must correspond to the period used to determine eligibility or benefit amount. *Id.* Other nonpermanent documents are considered current if dated within 60 days before the eligibility determination.

In this case, Petitioner submitted a verification on March 4, 2024 which was dated August 8, 2023. The verification submitted by Petitioner was more than six months old. Therefore, the verification submitted by Petitioner was insufficient to comply with policy requirements.

In FAP cases, clients are afforded 10 calendar days to provide the requested verification. BAM 130, p. 7. Negative action notices are sent when the client refuses to provide the

requested verification or when the time period given has lapsed and the client has not made a reasonable effort to provide it. *Id.* Given Respondent's efforts to provide some sort of verification, although the verification was insufficient for purposes of policy, the Department should not have denied Petitioner's application because she made a reasonable effort to comply with the Department's request.

At the hearing, Petitioner noted the difficulty in obtaining the verification as explanation for providing an old annuity statement versus a new annuity statement. Pursuant to policy, if Petitioner contacts the Department prior to the verifications deadline, the Department is required to assist the client in obtaining the verification, but extensions are not granted in FAP cases. BAM 130, pp. 7-8. If the verification is submitted late, the client's eligibility will be determined based on the client's compliance date with verification requirements and the application is reregistered if compliance occurs within 60 days of the original application date. *Id.*

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 from January 2024 for failure to provide current verification of her annuity.

### **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. Reprocess Petitioner's January 2024 application for FAP benefits;
2. If otherwise eligible, issue supplements to Petitioner for benefits not previously received; and,
3. Notify Petitioner in writing of its decision.

AMTM/cc



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**Amanda M. T. Marler**  
Administrative Law Judge

