



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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Date Mailed: June 7, 2024
MOAHR Docket No.: 24-005048
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Julia Norton

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 June 5, 2024. Petitioner was present and self-represented. The Department of Health and Human Services (Department) was represented by Layana Jefferson, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's Food Assistance Program (FAP) redetermination for failure to verify donation income?

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 FAP benefits with a 12-month benefit period starting April 2023.
2. On March 5, 2024, Petitioner submitted her FAP redetermination to the Department. Exhibit A, pp. 7-11.
3. On March 12, 2024, Petitioner participated in the FAP interview and reported that her siblings donate money to help her pay bills. Exhibit A, p. 16.
4. On March 12, 2024, the Department sent Petitioner a Verification Checklist (VCL) with a due date of March 22, 2024 requesting check stubs from her Employer, a verification of employment, and a letter or document from the person making the donation. Exhibit A, pp. 19-21.

5. On April 23, 2024, the Department sent Petitioner a Notice of Case Action (NOCA) indicating that her FAP case was closed effective April 1, 2024 ongoing because Petitioner did not return the documentation requested in the VCL. Exhibit A, pp. 23-27.
6. On May 1, 2024, the Department received Petitioner's request for hearing disputing the denial of her FAP redetermination. Exhibit A, pp. 4-5.

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, Petitioner disputed the Department's actions denying her FAP application for failing to return verification of donation income requested as part of a redetermination. Petitioner testified she reapplied for FAP benefits in █████ 2024. The Department testified that Petitioner was approved for FAP benefits effective May 18, 2024 ongoing. The timeframe at issue where Petitioner was without FAP benefits is April 1, 2024 to March 17, 2024.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (October 2023), p. 1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. The client is allowed 10 calendar days to provide the verification requested. Verifications are considered timely if received by the date they are due. BAM 130, p. 7. The Department sends a negative action notice when: the client indicates a 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, the Department sent Petitioner a VCL requesting documentation of employment verification, check stubs and donation income. Petitioner testified that she received the VCL and provided the employment verification, which included her check stub information. However, Petitioner testified she did not return documentation of donation income. Petitioner explained that she returned the employment documents in-person to

the Department on March 20 or March 21, 2024, but never provided any verification about the donation income. The Department properly denied the redetermination because Petitioner failed to provide proof of the donation income.

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 properly denied Petitioner's redetermination.

DECISION AND ORDER

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

JN/cc

A handwritten signature in black ink, appearing to read "Julia Norton", written over a horizontal line.

Julia Norton
Administrative Law Judge

