



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
DIRECTOR

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

Date Mailed: August 8, 2024
MOAHR Docket No.: 24-007351
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 hearing was held on August 1, 2024, via teleconference. Petitioner appeared and represented herself. Marlon Dorsey, Family Independence Manager, and Diana Driscoll, Eligibility Specialist, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS' Hearing Packet was admitted at the hearing as MDHHS Exhibit A, pp. 1-37. Petitioner's proposed exhibit was admitted at the hearing as Petitioner's Exhibit 1, pp. 1-27).

ISSUE

Did MDHHS properly determine Petitioner's eligibility for 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 [REDACTED], 2024, Petitioner applied for FAP (Exhibit A, p. 6).
2. On [REDACTED] 2024, MDHHS approved Petitioner for FAP on an expedited basis for May and June 2024 (Exhibit A, p. 2). Petitioner was approved for FAP benefits from May 20, 2024 to May 31, 2024 at a rate of \$153.00, and from June 1, 2024 to June 30, 2024, at a rate of \$397.00 (Exhibit A, p. 21).
3. On May 22, 2024, MDHHS sent Petitioner a Verification Checklist (VCL) requesting proof of earned income (Exhibit A, pp. 27-28). The VCL indicated that proofs were due to MDHHS by June 3, 2024 (Exhibit A, p. 27).

4. On June 14, 2024, MDHHS sent Petitioner a Notice of Case Action indicating that her FAP benefits would be closed, effective July 1, 2024 ongoing (Exhibit A, p. 34). The reason for the closure was that verification of earned income was not received (Exhibit A, p. 35).
5. On June 25, 2024, Petitioner requested a hearing regarding her eligibility for FAP benefits (Exhibit A, p. 4).
6. On June 25, 2024, MDHHS reinstated Petitioner's FAP case and approved her for FAP benefits from July 1, 2024 ongoing.

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. MDHHS 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, MDHHS approved Petitioner for FAP benefits on an expedited basis. Then MDHHS terminated Petitioner's benefits, effective July 1, 2024 ongoing, for failure to return the requested verifications regarding employment. However, MDHHS redetermined Petitioner's eligibility after receiving the necessary verification and reinstated Petitioner's FAP benefits, effective July 1, 2024 ongoing.

MDHHS is required to obtain verification when it is required by policy or information is unclear or incomplete. BAM 130 (May 2024), p. 1. To obtain verification, MDHHS must tell the client what verification is required, how to obtain it and the due date. *Id.*, p. 3. MDHHS is required to use a VCL to request verification from clients. *Id.* The client must obtain the requested verification, but the local office must assist the client if they need and request help. *Id.*, p. 3. If neither the client nor the local office can obtain verification despite a reasonable effort, MDHHS must use the best available information. *Id.* If no evidence is available, MDHHS must use its best judgement. *Id.*

MDHHS allows the client ten calendar days to provide the requested verification. *Id.*, p. 7. Verifications are considered timely if received by the date that they are due. *Id.* MDHHS sends a negative action notice when the client indicates a refusal to provide the requested verification, or the time period given on the VCL has lapsed and the client has not made a reasonable effort to provide it. *Id.* For FAP, if the client contacts MDHHS prior to the due date requesting an extension or assistance in obtaining verifications, MDHHS is required to assist the client but may not grant an extension. *Id.* If the client returns the

requested verifications, eligibility will be determined based on the compliance date, following subsequent processing rules. *Id.*

At the hearing, Petitioner credibly testified that she was paid monthly at the end of the month and that she notified MDHHS that she would not have the current month's income statement until the end of the month. MDHHS acknowledged that it granted Petitioner an extension and that the closure based on the verification issue was in error. To correct the error, MDHHS reinstated Petitioner's FAP case and approved her for FAP benefits from July 1, 2024 ongoing. Because Petitioner was approved for benefits from May 20, 2024 to May 31, 2024, June 1, 2023 to June 30, 2024, and July 1, 2024 ongoing, the record shows that there was no gap in eligibility periods from the date of application ongoing.

MDHHS did not dispute that Petitioner's FAP case was initially closed in error; however, it reinstated the case and redetermined Petitioner's eligibility with no gap between benefit periods. Thus, the closure related to the verification issue was resolved prior to the hearing and there is no remaining dispute regarding the verification issue for the undersigned Administrative Law Judge (ALJ) to address.

Petitioner also argued that she should have received the full benefit rate for the month of May 2024. The record shows that Petitioner applied for FAP on [REDACTED], 2024 and was approved for \$153.00 in FAP benefits for that month, based on FAP expedited service. The purpose of FAP expedited service is to help the neediest clients quickly. BAM 117 (March 2024), p. 1. MDHHS defers certain processing requirements and actions due to the shortened standard of promptness. *Id.* MDHHS prorates benefits for the month of application, beginning with the date of application, when the group is eligible for the application month as for other FAP program group. *Id.*, p. 4.

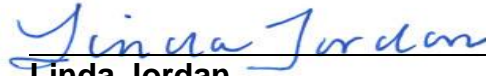
MDHHS determined that Petitioner was entitled to \$397.00 in monthly benefits for the month of May 2024 (Exhibit A, p. 21). Petitioner did not dispute the numbers in the budget that MDHHS used to calculate the \$397.00 benefit amount. However, because Petitioner applied on May 20, 2024, MDHHS is required to prorate benefits for that month. BAM 117, p. 4. The number of prorated days was 12 and the record shows that MDHHS properly determined that Petitioner was eligible for \$153.00 in prorated benefits for that month. MDHHS also determined that Petitioner was eligible for \$397.00 in FAP benefits beginning June 1, 2024 ongoing. Petitioner did not dispute that FAP benefit rate.

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 MDHHS acted in accordance with Department policy when it determined Petitioner's eligibility for FAP.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.

LJ/pt



Linda Jordan

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

