



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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

Date Mailed: September 20, 2024
MOAHR Docket No.: 24-007402
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford

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 September 12, 2024. Petitioner was present at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Jasmine Kimpson, Assistance Payments Worker, and Latora Giles, Assistance Payments Supervisor.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case?

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 household size of five.
2. On April 9, 2024, the Department received a FAP redetermination from Petitioner.
3. On May 20, 2024, the Department sent a Verification Checklist (VCL) to Petitioner requesting employment information for Petitioner and self-employment information for Petitioner's husband with a due by date of May 30, 2024. (Exhibit A, pp. 20-22). The Department also sent a Self-Employment Income and Expense Statement form for Petitioner to verify her husband's self-employment income. (Exhibit A, pp. 23-24).
4. On May 22, 2024, the Department completed a FAP telephone interview with Petitioner regarding her FAP redetermination. (Exhibit A, pp. 13-19).

5. On May 25 and 28, 2024, Petitioner submitted self-employment and employment information for her household to the Department via the MI Bridges webpage. (Exhibit 1, pp. 1-15).
6. On June 13, 2024, the Department sent a Notice of Case Action (NOCA) to Petitioner informing her that her FAP case would close effective June 1, 2024 due to Petitioner's failure to return verification of self-employment for Petitioner's husband. (Exhibit A, pp. 36-40).
7. On June 25, 2024, the Department received a request for hearing from Petitioner disputing the closure of her FAP case. (Exhibit A, pp. 4-6).

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 action closing Petitioner's FAP case effective June 1, 2024 for failing to verify her husband's self-employment income.

The Department sent Petitioner a VCL on May 20, 2024 requesting verification of her husband's self-employment income by May 30, 2024. Self-employment income must be verified at redetermination. BEM 502 (June 2024), p. 6; BAM 130 (May 2024), p. 1. To request verification of information, the Department sends a VCL which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 7. For electronically transmitted verifications (fax, email or MiBridges document upload), the date of the transmission is the receipt date. 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, pp. 8-9.

At the hearing, the Department stated that it never received Petitioner's VCL documentation regarding her husband's self-employment. Petitioner testified that she provided the requested self-employment form as well as self-employment receipts to the Department electronically on MiBridges on several occasions prior to the VCL May 30

due date: on May 25, 2024 and May 28, 2024. Petitioner verified the submission dates via screenshots of her MiBridges account showing that each entry was identified as "Self Employment Income." (Exhibit 1, pp. 1-15).

Petitioner clearly did not indicate a refusal to provide the verification and provided evidence that she provided documentation via MiBridges prior to the VCL due date of May 30, 2024, which indicated Petitioner made a reasonable effort to comply with the Department's VCL request. Thus, the Department failed to satisfy its burden that it acted in accordance with Department policy when it closed Petitioner's FAP case.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's FAP case for failure to verify self-employment.

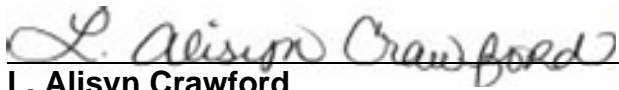
DECISION AND ORDER

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. Reinstate Petitioner's FAP case and redetermine FAP eligibility as of June 1, 2024;
2. If eligible, issue FAP supplementals to the FAP group from June 1, 2024 ongoing for any benefits they were eligible to receive but did not; and,
3. Notify Petitioner of its decision in writing.

LC/ml


L. Alisyn Crawford
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:

DHHS

Denise Key-McCoggle
Wayne-Greydale-DHHS
27260 Plymouth Rd
Redford, MI 48239

MDHHS-Wayne-15-Greydale-Hearings@michigan.gov

Interested Parties

BSC4
M Holden
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N Denson-Sogbaka
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Via First Class Mail:

Petitioner

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