



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: August 23, 2024
MOAHR Docket No.: 24-008023
Agency No.: ██████████
Petitioner: █████ █████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 August 14, 2024, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Rachel Dillon. Department Exhibit 1, pp. 1-119 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's FAP application for failing to verify that employment had ended?

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 May █████ 2024, Petitioner applied for FAP, MA and SER.
2. On June █████ 2024, Petitioner applied for FAP and SER and submitted verifications including a note for her physician that she was off work and pay stubs dated May 14 and June 7.
3. On June █████ 2024, a Verification Checklist was sent to Petitioner requesting verification of stopped employment. (Ex. 1, pp. 83-85)
4. On June █████ 2024, Notice of Case Action was sent to Petitioner informing her that her FAP application was denied for failing to verify that employment ended.

5. On July ■ 2024, Petitioner requested hearing disputing the denial of FAP.
6. Petitioner stated at hearing that she was not disputing any issues related to her MA benefit or SER applications.
7. On July ■ 2024, the Department was able to confirm with Work Number that Petitioner's employment had ended.
8. On July 18, 2024, Notice of Case Action was sent to Petitioner informing her she was approved for FAP effective July 17, 2024, and 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. 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.

For FAP only, if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, assist the client with the verifications but do not grant an extension. Explain to the client they will not be given an extension and their case will be denied once the VCL due date is passed. Also, explain their eligibility will be determined based on their compliance date if they return required verifications. Re-register the application if the client complies within 60 days of the application date; see Subsequent Processing in BAM 115. BAM 130

Send a negative action notice when: • The client indicates 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

Subsequent Processing

FAP Only

Proceed as follows when a client completes the application process after denial but within 60 days after the application date. On or before the 30th day: • Re-register the application, using the original application date. • If the client is eligible, determine whether to prorate benefits according to initial benefits policy in this item. Between the 31st and 60th days: • Re-register the application, using the date the client completed the process. • If the client is eligible, prorate benefits from the date the client complied. BAM 115

In this case, Petitioner submitted pay stubs for her last two checks with Apollo Retail Specialists and a note from her physician stating that she could not work due to her health problems. Petitioner believed that these two verifications would be sufficient to establish that she her employment ended.

The Department argued at hearing that they need to something from Petitioner's employer to confirm that she stopped working. On June ■ 2024, a Verification Checklist was sent to Petitioner requesting several verifications including verification of loss of employment. In the right hand column, it states "For employer: ■ ■ ■ ■ ■ DHS 38 Verification of Employment". The Department did not receive a Verification of Employment form completed by Petitioner's employer and therefore the Department was not able to verify that Petitioner's employment had ended. Therefore, the Department denial for failing to verify employment ending was proper and correct and consistent with Department policy. BAM 130

On July ■ 2024, the Department was able to confirm with the Work Number database that Petitioner was not working and activated FAP as of that date.

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 denied Petitioner's FAP application for failing to verify employment ending.

DECISION AND ORDER

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

AM/dm



Aaron McClintic
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
Janice Collins
Genesee County DHHS Union St
District Office
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Via-First Class Mail :

Petitioner
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