



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: September 16, 2024
MOAHR Docket No.: 24-008350
Agency No.: [REDACTED]
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 September 12, 2024. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Danielle Moton, Assistance Payments Worker.

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 May 13, 2024, the Department received Petitioner's application for FAP which listed income from employment with [REDACTED] and a pension or retirement account.
2. On May 21, 2024, Petitioner and the Department completed an application interview during which Petitioner indicated she had Retirement Survivors Disability Insurance (RSDI) income as well as employment income with [REDACTED] as well as [REDACTED]
3. On the same day, the Department issued a Verification Checklist (VCL) to Petitioner requesting verification of Petitioner's employment or loss of employment with [REDACTED] and [REDACTED] as well as her pension via check stubs or letters from the payor.

4. The Department received screenshots of payments from [REDACTED] but there is no name indicating who the payments are made to, from [REDACTED] again missing a name for the payee, two separate screen shots showing one page without a payee or payor name and another of a similar format showing Petitioner's name and [REDACTED] but with no income information, and finally, a [REDACTED] Bank Statement showing multiple deposits including from [REDACTED] and [REDACTED].
5. On June 3, 2024, the Department issued a Notice of Case Action to Petitioner advising her that her application had been denied because she failed to verify loss of employment, self-employment, earned income, and unearned income.
6. On July 16, 2024, the Department received Petitioner's request for hearing disputing the Department's denial of her FAP application.

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 denial of her application for failure to verify requested information. Pursuant to policy, the Department is required to verify earned and unearned income at application. BAM 130 (May 2024), p. 1; BEM 501 (January 2024), p. 10; BEM 503 (April 2024), p. 44. In order to verify information, the Department must tell the client what verification is required, how to obtain it, and the due date using a VCL. BAM 130, p. 3. The Department complied with this policy. Clients are allowed 10 calendar days to comply with the verification request. BAM 130, p. 7. Negative action notices are sent when the client indicates a refusal to provide a verification or when the time period given has lapsed and the client has not made a reasonable effort to comply. *Id.* Petitioner failed to submit verification of the identified sources of her income by the due date. Petitioner did not submit a check stub or a letter regarding her pension income. Instead, she submitted a bank statement which is not an acceptable verification source. Therefore, the Department properly denied Petitioner's application because she failed to verify her pension. It is also notable that the other verifications submitted lacked proper identifying information including names of the payor and payee

and they did not match names of employers identified by her application or during her interview.

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 application for failure to verify requested information.

DECISION AND ORDER

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



Amanda M. T. Marler
Administrative Law Judge

AM/cc

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 :

Interested Parties

MDHHS-Wayne-17-hearings
BSC4-HearingDecisions
N. Denson-Sogbaka
B. Cabanaw
M. Holden
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED] MI [REDACTED]