



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], MI [REDACTED]

Date Mailed: September 6, 2024
MOAHR Docket No.: 24-008718
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 via telephone conference on September 3, 2024. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Shyla Coleman, specialist.

ISSUES

The issue is whether MDHHS properly terminated 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. As of May 2024, Petitioner was an ongoing recipient of FAP benefits.
2. As of May 2024, Petitioner received ongoing wages from [REDACTED] [REDACTED] [REDACTED] (hereinafter, "Employer").
3. On June 13, 2024, Petitioner reported to MDHHS employment with Employer had ended.
4. On June 14, 24, MDHHS mailed Petitioner a Verification Checklist requesting proof of stopped employment with Employer due by June 24, 2024.

5. As of June 2024, MDHHS was unable to verify Petitioner's stopped employment with Employer via TheWorkNumber.
6. On June 28, 2024, MDHHS mailed Petitioner a Verification of Employment with a due date of July 8, 2024, to verify stopped employment with Employer.
7. On July 13, 2024, MDHHS terminated Petitioner's FAP eligibility beginning August 2024 due to Petitioner's failure to verify stopped wages with Employer.
8. As of July 26, 2024, Petitioner had not verified that wages from Employer had stopped.
9. On July 26, 2024, Petitioner requested a hearing to dispute the termination of FAP benefits.

CONCLUSIONS OF LAW

The 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 the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. FAP policies are contained in the BAM, BEM, and RFT.

Petitioner requested a hearing to dispute a termination of FAP benefits. Exhibit A, pp. 3-4. A Notice of Case Action dated July 13, 2024, stated Petitioner's FAP eligibility would end August 2024 due to a failure to verify stopped wages from Employer. Exhibit A, pp. 18-21.

MDHHS is to verify changes which result in a benefit increase, such as income reductions. BEM 505 (October 2023) p. 11. For all programs, MDHHS is to tell the client what verification is required, how to obtain it, and the due date. BAM 130 (October 2023) p. 3. MDHHS is to use the DHS-3503, Verification Checklist (VCL), to request verification. *Id.* MDHHS is to allow the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. *Id.*, p. 7. MDHHS is to 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. *Id.*

Petitioner reported to MDHHS on June 13, 2024, a loss of employment with Employer on redetermination documents.¹ Exhibit A, pp. 7-9. In response, MDHHS properly checked TheWorkNumber to attempt to verify the employment loss; however, TheWorkNumber listed Petitioner's employment as "active". Exhibit A, pp. 11-14. Thus,

¹ The redetermination was for Medical Assistance, not FAP. Nevertheless, the reporting affected all of Petitioner's ongoing benefits.

MDHHS could not rely on TheWorkNumber to verify Petitioner's reported employment stoppage.

MDHHS testified it sent Petitioner a VCL on June 14, 2024, requesting proof of stopped employment, due by June 24, 2024. After Petitioner failed to respond, MDHHS then sent Petitioner a Verification of Employment on June 28, 2024 which listed a due date of July 8, 2024. Exhibit A, pp. 15-17. It was not disputed that Petitioner did not return verification of employment stoppage before August 2024: the month of benefit closure.²

Petitioner testified she was out of town when the Verification of Employment was sent and that she did not return until the due date to return the form had passed.³ Petitioner's testimony implied that her absence from home excuses the timely return of the verification. An absence from home does not excuse a failure to timely return properly requested verification.

The evidence established that MDHHS properly requested proof of Petitioner's loss of employment. The evidence further established that Petitioner failed to return acceptable proof of employment loss. Thus, MDHHS properly terminated Petitioner's FAP eligibility due to a failure to verify stopped employment income.⁴

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's FAP eligibility beginning August 2024. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki

Administrative Law Judge

² Petitioner requested to submit verification during the hearing. Petitioner's request was declined because the hearing date was too late to return verifications.

³ Petitioner did not explain why she did not respond to the VCL sent in June 2024.

⁴ Petitioner reapplied for FAP benefits on [REDACTED] 2024. MDHHS testified the application is pending. If the application is approved from the submission date, Petitioner should experience only a loss of 11 days of FAP benefits.

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

Jeanenne Broadnax
Wayne-Taylor-DHHS
25637 Ecorse Rd.
Taylor, MI 48180

MDHHS-Wayne-18-Hearings@michigan.gov

Interested Parties

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Via-First Class Mail :

Petitioner

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