



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: September 20, 2024
MOAHR Docket No.: 24-009276
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

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 September 12, 2024, from Lansing, Michigan. The Petitioner was represented by Authorized Representative [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by Jennifer Richard AP Supervisor. Department Exhibit 1, pp. 1-36 was received and admitted.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case for failing to verify self-employment income and expenses?

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 June [REDACTED] 2024, Petitioner submitted completed redetermination paperwork.
2. On June [REDACTED] 2024, a Verification Checklist was sent to Petitioner with a July 5, 2024, due date requesting verification of self-employment income and expenses.
3. On June [REDACTED] 2024, Petitioner's Authorized Representative sent an email requesting self-employment forms.
4. Petitioner's Authorized Representative testified that Petitioner did not receive the verification checklist.

5. On July █ 2024, Notice of Case Action was sent to Petitioner informing her that FAP was closing effective August 1, 2024, for failing to submit verification of self-employment income and expenses.
6. On August 6, 2024, Petitioner requested hearing disputing the closure of FAP and MA.
7. Petitioner's Authorized Representative stated at hearing that Petitioner was satisfied with the Department action with regard to MA and only was disputing the closure of FAP.

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.

Timeliness of Verifications

FIP, SDA, RCA, Child Development and Care (CDC), FAP

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. Exception: For CDC, if the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. Exception: For CDC, at redetermination, if a signed redetermination form is received prior to the end of the redetermination month, and verifications are missing or incomplete, send a VCL. Verifications are due by the end of the redetermination month, or within 10 days after they are requested, which ever allows more time. Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a MDHHS representative are considered to be received the next business day. 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. Note: For FIP, SDA and RCA, if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, the specialist may grant an extension to the VCL due date. Note: 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. Only adequate notice is required for an application denial. Timely notice is required to reduce or terminate benefits. Exception: At redetermination, FAP clients have until the last day of the redetermination month or 10 days, whichever is later, to provide verification. BAM 130


In this case, Petitioner was sent a Verification Checklist on June █ 2024, with a July 5, 2024, due date requesting verification of self-employment income and expense. Petitioner did not submit the verifications prior to the due date and the case was processed for closure on July 30, 2024. Petitioner's Authorized Representative testified that Petitioner did not receive the verification checklist. The Department representative testified that the checklist was sent via central print to Petitioner's address on file. Petitioner had until the last day of the verification month to provide verification of self-employment income and expense and she failed to do so. Therefore, the closure for failing to verify self-employment income and expense was proper and correct and consistent with Department policy. BAM 130

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 closed Petitioner's FAP case for failing to verify self-employment income and expenses.

DECISION AND ORDER

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

AM/dm



Aaron McClintic
Administrative Law Judge

