



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

[REDACTED]  
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Date Mailed: October 4, 2024  
MOAHR Docket No.: 24-009751  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner**

### **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 held, initially by videoconference and converted to teleconference, on September 26, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Jasmin Kimpson, Eligibility Specialist.

### **ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) case from August 1, 2024 through September 11, 2024?

### **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 for a four-person FAP group beginning October 1, 2022. (Exhibit A, p. 15).
2. On June 11, 2024, the Department sent Petitioner a Verification Checklist (VCL) requesting, in relevant part, verification by June 21, 2024 of Petitioner's last 30 days of income from [REDACTED] (Employer) and loss of employment from Employer. (Exhibit A, pp. 10 – 11).
3. On July 15, 2024, the Department received a FEE investigation final report that concluded that additional mandatory FAP group members resided with Petitioner and were not reported to the Department. (Exhibit A, p. 14).

4. On July 15, 2024, the Department sent Petitioner a Notice of Case Action (NOCA) that closed Petitioner's case effective August 1, 2024 because the group did not meet program requirements and the group failed to verify information. (Exhibit A, pp. 7 – 9).
5. On July 22, 2024, the Department received a completed redetermination application from Petitioner for FAP, Medicaid (MA), and Child Development and Care (CDC) that was due July 31, 2024. (Exhibit A, pp. 18 – 21).
6. On August 20, 2024, the Department received a request for hearing from Petitioner disputing the closure of her FAP case. (Exhibit A, p. 4).
7. On September 12, 2024, the Department approved Petitioner for FAP benefits effective that day.

### **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.

Petitioner requested a hearing to dispute the Department's closure of her FAP case. The Department issued a NOCA that closed Petitioner's FAP case effective August 1, 2024 but reopened it effective September 12, 2024. During the hearing, Petitioner clarified that her dispute was limited to closure of her FAP case from August 1, 2024 to September 11, 2024.

The Department closed Petitioner's FAP case effective August 1, 2024 because she a) failed to provide requested verifications and b) did not meet program requirements. The Department must obtain verifications from clients to establish the accuracy of a client's verbal or written statements when required by policy, local office practice, or when information regarding an eligibility factor is in question. BAM 130 (May 1, 2024), p. 1. Verification is usually required at application, including redetermination, and for reported changes. BAM 130, p. 1. When the FAP group's composition is questionable, the Department must seek verification and allow ten days for the client to provide requested verification. BEM 212 (March 2024), p. 11; BAM 130, p. 7. Additionally, the Department must give the client a reasonable opportunity to resolve any discrepancies between the client's statements and information from another source. BAM 130, p. 9.

Here, Petitioner had been an ongoing recipient of FAP for a four-person FAP group since October 1, 2022. (Exhibit A, p. 15). On June 11, 2024, the Department sent Petitioner a VCL to verify Petitioner's income information related to Employer. (Exhibit A, pp. 10 – 11). Neither party disputed that Petitioner failed to return the requested verification. In response to the Department's testimony that Petitioner failed to return requested income verification, Petitioner testified that she has not worked for Employer since approximately 2021. Petitioner's testimony was confirmed by the FEE investigation which reflected that Petitioner had not been employed since 2021. (Exhibit A, p. 15). The Department could not explain why it requested verification related to Employer or why verification was still necessary once the Department concluded that she had not worked in over 30 days. BEM 505 (October 2023), p. 14.

The Department testified that the father of two of Petitioner's children was a mandatory group member because he reported Petitioner's address as his own on an affidavit of parentage in June 2024, was residing with Petitioner, and because Petitioner failed to report him as a household member, she did not meet the FAP program requirements. BEM 212 (March 2024), p. 1; (Exhibit A, pp. 14 – 17). However, Petitioner testified that the father of two of Petitioner's children did not reside in her home, was homeless, and was only using Petitioner's address to receive mail. The Department did not offer any evidence that it questioned Petitioner regarding who lived in her home or requested verifications to that effect prior to closing 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, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's FAP case effective August 1, 2024.

### **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. Redetermine Petitioner's FAP eligibility effective August 1, 2024 ongoing, and request additional verifications if necessary;
2. If Petitioner is eligible for any supplemental FAP benefits, issue supplemental payments to Petitioner for any FAP benefits she was eligible to receive but did not, between August 1, 2024 and September 11, 2024; and

3. Notify Petitioner of its decision in writing.



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**Caralyce M. Lassner**  
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

N. Denson-Sogbaka

B. Cabanaw

MOAHR

**Via-First Class Mail :**

**Petitioner**

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