



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: October 8, 2024
MOAHR Docket No.: 24-009976
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 October 3, 2024. Petitioner participated and was not represented. [REDACTED] [REDACTED] Petitioner's spouse (hereinafter, "Spouse"), testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by Danielle Moton, specialist.

ISSUES

The issue is whether MDHHS properly partially denied Petitioner's Food Assistance Program (FAP) application.

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 [REDACTED] [REDACTED] 2024, Petitioner applied for FAP benefits.
2. On July 29, 2024, during an application interview, Petitioner reported receiving \$[REDACTED] in monthly income from his mother and that Spouse received monthly income from her mother.
3. On July 29, 2024, MDHHS mailed Petitioner a Verification Checklist (VCL) requesting verification of donation income by August 8, 2024.

4. On August 1, 2024, Spouse reported to MDHHS that she no longer received money from her mother and that verification could not be submitted.
5. On August 9, 2024, MDHHS denied Petitioner's application due to a failure to verify information.
6. On August 15, 2024, Petitioner submitted to MDHHS proof that his mother paid \$550 directly to his landlord.
7. On August 15, 2024, MDHHS subsequently processed Petitioner's application and approved FAP benefits beginning August 15, 2024.
8. On August 15, 2024, Petitioner requested a hearing to dispute the denial of FAP benefits from July 8, 2024, through August 14, 2024.

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 Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a partial denial of FAP benefits. Exhibit A, pp. 3-5. Petitioner applied for FAP benefits on July 8, 2024. Exhibit A, pp. 8-18. MDHHS documented that Petitioner's application was denied on August 9, 2024, due to a failure to verify information. Exhibit A, p. 34. A Notice of Case Action dated August 15, 2024, stated that Petitioner's application was approved for FAP benefits beginning August 15, 2024. Exhibit A, pp. 22-27. Petitioner requested a hearing to dispute the denial of FAP benefits from July 8 through August 14, 2024. MDHHS alleged that Petitioner's application was properly denied to Petitioner failure to verify donation income from his mother.

MDHHS is to verify countable unearned income at application. BEM 503 (April 2024) p. 44. For FAP benefits, a donation to an individual by family or friends is the individual's unearned income. *Id.*, p. 11. MDHHS counts the gross amount received, if the individual making the donation and the recipient are not members of any common eligibility determination group. *Id.*

For all programs, MDHHS is to tell the client what verification is required, how to obtain it, and the due date. BAM 130 (January 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.*

MDHHS is to perform “subsequent processing” when a client completes the application process within 60 days after the application date. BAM 115 (July 2021) p. 25. If a client completes the application process by the 30th day, MDHHS is to register the application for the original application date. *Id.* If a client completes the application process between the 31st and 60th days after application, the application is to be registered for the date that the client completed the application process. *Id.*

It was not disputed that MDHHS interviewed Petitioner on July 29, 2024. Though not reported on the application, Petitioner acknowledged that he received \$550 in monthly income from his mother.¹ In response, MDHHS sent a VCL on July 29, 2024, giving Petitioner until August 8, 2024, to verify the donation income. Exhibit A, pp. 19-21. MDHHS alleged that Petitioner’s income was not verified until August 15, 2024. Thus, MDHHS contended, it properly denied Petitioner’s application from before August 15, 2024, because it properly requested verification and Petitioner failed to return verification until after the VCL due date and after the 30th day of the application submission.

Spouse testified that all documents were returned to MDHHS on August 1, 2024, including verification of Petitioner’s mother’s donation income. MDHHS documented that Petitioner reported that his mother paid \$550 monthly directly to Petitioner’s landlord. MDHHS also documented that Petitioner submitted a document concerning the income; however, the document was unacceptable because it was undated and did not state that the income was paid directly to Petitioner’s landlord. MDHHS properly required Petitioner’s verification of income to state if his mother paid his landlord directly because it would dictate how the income was budgeted. If paid to Petitioner directly, the income would be considered unearned income. If paid to the landlord, then Petitioner would not be credited with a \$550 obligation for rent (see BEM 554).

Petitioner and Spouse also complained that much effort was expended attempting to communicate with MDHHS. For example, Petitioner and Spouse alleged that an interview should have been held earlier than July 29, 2024. MDHHS responded that an interview date of July 18, 2024, was scheduled and that Petitioner failed to participate in the interview. Even if an interview was not scheduled before July 29, 2024, the cause of tardiness in submitting verification was Petitioner, not the date of the application interview.

Petitioner and Spouse also alleged that MDHHS lost verification after a document submission around August 8, 2024. The evidence suggested that MDHHS received verification of Spouse’s donation income on August 13, 2024. The evidence did not support a submission from Petitioner concerning income from his mother.

¹ Petitioner also reported that Spouse received donation income from her mother. MDHHS acknowledged that Spouse’s donation income was either not countable or adequately verified on August 1, 2024, when she reported that she had not received the income since May 2024. Exhibit A, p. 34.

Petitioner and Spouse contended that MDHHS erred by not adequately informing Petitioner of what was needed on the income document from his mother. The evidence established that a VCL was sent requesting verification of donation income. Though specifics were not verified, Petitioner should not have to be told that verification should include basic information such as the amount of money given, where the money is sent, the name of his mother including a signature, and the date of the signature. Given the evidence, MDHHS properly denied Petitioner's application for FAP benefits from July 8 through August 14, 2024, due to a failure to verify income.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied FAP benefits to Petitioner from July 8 through August 14, 2024. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki
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

Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
8655 Greenfield
Detroit, MI 48228

MDHHS-Wayne-17-hearings@michigan.gov

Interested Parties

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H. Holden
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Via-First Class Mail :

Petitioner

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