



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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Date Mailed: November 1, 2024
MOAHR Docket No.: 24-010496
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 via telephone conference was held on October 14, 2024. Petitioner was present and unrepresented. The Department of Health and Human Services (Department) was represented although, due to audio issues, the names of the representatives were unclear. The hearing was conducted before Administrative Law Judge L. Alisyn Crawford. Because ALJ Crawford is unavailable, the undersigned reviewed and issued this Hearing Decision based on the evidence presented. See Mich Admin Code, R 792.10106(7).

ISSUE

Did the Department properly deny 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 ██████████ 2024, Petitioner applied for FAP. (Exhibit A, pp. 8-20)
2. In her application, Petitioner reported loss of employment within the last 30 days. (Exhibit A, p. 13)
3. The Department sent Petitioner a verification checklist requesting proof of her loss of employment.
4. Petitioner was unable to obtain the requested proof and asked the Department for assistance.

5. The Department denied Petitioner's FAP application due to her failure to verify loss of employment.
6. On September 9, 2024, the Department received Petitioner's request for hearing disputing the denial of her application, indicating that she was unable to obtain the loss of verification from her former employer and had requested assistance from the Department that was not provided.

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 disputed the denial of her FAP application, arguing that she was unable to obtain verification from her former employer for her loss of employment and requested assistance from the Department that was not provided.

The Department must verify income that has stopped within the 30 days prior to the application date. BEM 505 (October 2023), p. 14. Because Petitioner indicated in her [REDACTED] 2024 application that her employment had been terminated within the last 30 days, the Department properly asked for verification of Petitioner's loss of employment.

When requesting verifications from a client, the Department must tell the client what verification is required, how to obtain it, and the due date. BAM 130 (May 2024), p. 3. The client is responsible for obtaining required verifications, but the local office must assist if they need and request help. BAM 130, p. 3. If neither the client nor the local office can obtain verification despite a reasonable effort, the Department must use the best available information and, if no evidence is available, its best judgment. BAM 130, p. 4.

After Petitioner filed her hearing request on September 9, 2024, the Department acknowledged that Petitioner had requested assistance that it had failed to provide. On September 20, 2024, it sent Petitioner's former employer an employment verification form requesting information concerning Petitioner's employment status. (Exhibit A, pp. 21-23). The Department agreed that, if the employer did not return the form, it would use the best available information to determine Petitioner's FAP eligibility.

At the hearing, the Department testified that it had approved Petitioner for FAP for August 23, 2024 through September 31, 2024. However, it could not explain the status of Petitioner's FAP case as of October 1, 2024. Therefore, it failed to establish that it acted in accordance with policy in processing the application and determining Petitioner's FAP eligibility based on the best available information concerning Petitioner's loss of employment.

DECISION AND ORDER

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's FAP application.

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 from August 23, 2024 ongoing, finding that Petitioner's employment ended if the former employer did not respond to the employment verification request;
2. If eligible, issue FAP supplements to Petitioner for benefits she was able to receive but did not from August 23, 2024 ongoing; and
3. Notify Petitioner in writing of its decision.

AE/ml



Alice C. Elkin
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

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

MDHHS-Wayne-18-Hearings@michigan.gov

Interested Parties

BSC4
M Holden
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Via First Class Mail:

Petitioner

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