



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR



Date Mailed: October 21, 2024
MOAHR Docket No.: 24-010564
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 October 16, 2024. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Nicole Taylor, Assistance Payments Supervisor, and Kiesha Carroll-Dooris, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case?

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 Food Assistance Program (FAP) recipient.
2. On July 8, 2024, the Department issued two New Hire Client Notices to Petitioner requesting verification of employment with [REDACTED] and [REDACTED] by July 18, 2024 otherwise her benefits would be closed.
3. On July 22, 2024, the Department issued a Notice of Case Action to Petitioner informing her that effective September 1, 2024, her FAP benefits would close for failure to verify requested information.
4. On August 12, 2024, the Department issued a third New Hire Client Notice to Petitioner requesting verification for employment with [REDACTED] by August 22, 2024 otherwise her benefits would close.

5. On August 21, 2024, the Department received verification of employment with [REDACTED].
6. On September 10, 2024, the Department issued another Notice of Case Action to Petitioner advising her that she was eligible for \$23.00 in FAP benefits for September 2024 and that effective October 2024, ongoing, her FAP case would close for failure to verify requested information.
7. On September 16, 2024, the Department received Petitioner's hearing request.
8. Petitioner did not submit any verifications for [REDACTED] or [REDACTED].

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.

In this case, Petitioner disputes the closure of her FAP case for failure to verify her employment because the two that she failed to verify were short term and she verified her most recent employment. The Department routinely matches recipient data with other agencies through automated computer data exchanges. BAM 807 (April 2022), p. 1; BAM 813 (January 2021), p. 1. The National Directory of New Hires (NDNH) is a monthly exchange of information collected from new hire data reported from 54 states and territories and all federal agencies. *Id.* NDNH information is used to determine current income sources reported for active and pending clients. *Id.* The monthly process matches social security numbers for all FAP approved and pending clients from the 30-day period. *Id.* The State New Hires Match is a daily data exchange of information collected by the Michigan New Hire Operations Center and obtained through the Office of Child Support. BAM 807, p. 1. New Hire Client Notices are issued to clients when there are discrepancies in reported information to the Department and the Michigan New Hire Operations Center or the NDNH. BAM 807, p. 1; BAM 813, p. 1. The New Hire Client Notices are based upon the client's social security number. Failure to provide the requested verifications for the new hire notice within ten days results in closure of the FAP case. BAM 807, p. 2; BAM 813, p. 2. If the client reapplies, the date the client reapplies determines if the verification must be returned before processing the new application. BAM 807, p. 2. If the new application is within 30 days after case

closure was initiated in Bridges, then the verifications must be received by the Department and the case is reopened from the date of the application after the verifications are received. *Id.* If the new application is more than 30 days after the case closure initiation in Bridges, then the new hires verification is not required. *Id.*

Petitioner does not dispute that she failed to provide any verifications for her dates of employment or end of employment with [REDACTED] or [REDACTED]. Therefore, the closure of her FAP benefits was appropriate. Based upon the evidence presented, Petitioner submitted a new application. However, the parties failed to identify a date upon which Petitioner submitted her new application and the electronic case file does not show any record of an application received in July, August, or September of 2024. Without a new application submitted more than 30 days after the initiation of a closure of her FAP benefits, Petitioner would not be entitled to a September 2024 FAP benefit.

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 granted a FAP benefit to Petitioner for September 2024 but denied her benefit for October 2024, ongoing.

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 September 2024; and,
2. Notify Petitioner in writing of its decision.

AM/cc



Amanda M. T. Marler
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 :

Interested Parties

MDHHS-Wayne-15-Greydale-Hearings
BSC4-HearingDecisions
N. Denson-Sogbaka
B. Cabanaw
M. Holden
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
MI [REDACTED]