



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
DIRECTOR

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

Date Mailed: November 7, 2024
MOAHR Docket No.: 24-011430
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On October 4, 2024, Petitioner, [REDACTED], requested a hearing to dispute a Food Assistance Program (FAP) denial. Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on November 6, 2024. Petitioner appeared and represented himself. Respondent, Department of Health and Human Services (Department), had Jamila Goods, Eligibility Specialist, appear as its representative. Mohamed Sahmy, Interpreter, provided interpreting services.

A 37-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner's application for FAP benefits?

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] 2024, Petitioner applied for FAP benefits wherein Petitioner reported no employment.
2. On [REDACTED] 2024, an interview was held wherein Petitioner reported that Petitioner was employed as an [REDACTED] working 35 hours per week and earning \$ [REDACTED] per week.
3. On August 26, 2024, the Department mailed to Petitioner a verification checklist. The form instructed Petitioner to verify Petitioner's wages by submitting Petitioner's last 30 days of check stubs or earnings statements by September 5, 2024.

4. On August 26, 2024, the Department mailed to Petitioner an employment verification form to Petitioner. The form instructed Petitioner to give the form to Petitioner's employer to complete, and the form instructed Petitioner to return the completed form to the Department by September 5, 2024.
5. On August 30, 2024, the Department mailed to Petitioner a verification checklist. The form instructed Petitioner to verify Petitioner's wages by submitting Petitioner's last 30 days of check stubs or earnings statements by September 9, 2024.
6. On [REDACTED], 2024, Petitioner submitted copies of 5 checks that Petitioner received from [REDACTED] in [REDACTED] and [REDACTED] 2024.
7. On September 30, 2024, the Department mailed a notice of case action to Petitioner to notify Petitioner that Petitioner's application for FAP benefits was denied because verification of loss of earned income was not returned as instructed.
8. On October 4, 2024, Petitioner requested a hearing to dispute the Department's decision.
9. On October 8, 2024, Petitioner called the Department and was notified that the checks that Petitioner submitted on September 19, 2024, were insufficient.
10. On [REDACTED] 2024, Petitioner applied for FAP benefits. Petitioner provided shelter verifications with Petitioner's [REDACTED] 2024, application but no income verifications were submitted.

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 FAP 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 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 is disputing the Department's decision to deny Petitioner's application for FAP benefits. The Department denied Petitioner's application for FAP benefits because Petitioner did not return the requested verifications as instructed by the Department.

Verification is usually required by the Department at the time of application/redetermination or for a reported change affecting eligibility or benefit level. BAM 130 (January 1, 2023), p. 1. The Department must tell a client what verification is

required, how to obtain it, and the due date. *Id.* at p. 3. The Department must allow the client 10 calendar days to provide requested verification. *Id.* at p. 7. The client must obtain the verification, but the local office must assist if the client needs it and asks for help. *Id.* Verifications are only considered timely if they are received by the due date. *Id.* The Department must send a Negative Action Notice when the client refuses to provide the verification, or the client has failed to provide the verification by the due date. *Id.*

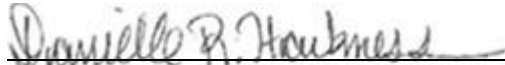
The Department requested verification from Petitioner because the Department needed additional information to determine Petitioner's eligibility for FAP benefits after Petitioner reported that Petitioner was employed during Petitioner's [REDACTED], 2024, interview. The Department properly instructed Petitioner what verification was required, how to obtain it, and the due date. The Department also properly allowed Petitioner 10 calendar days to provide the verification. It was Petitioner's responsibility to provide the verification to the Department by the due date. When the Department did not receive the verification by the due date, the Department properly denied Petitioner's [REDACTED] 2024, application for FAP benefits because Petitioner failed to provide the verification by the due date.

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 did act in accordance with its policies and the applicable law when it denied Petitioner's [REDACTED], 2024, application for FAP benefits.

IT IS ORDERED, the Department's decision is **AFFIRMED**.

DH/pt



Danielle R. Harkness
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
Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
Inkster, MI 48141
MDHHS-Wayne-19-Hearings@michigan.gov

Interested Parties
BSC4
M Holden
B Cabanaw
N Denson-Sogbaka
MOAHR

Via-First Class Mail:

Petitioner
[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]