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GOVERNOR

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

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DIRECTOR

[REDACTED]
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[REDACTED], MI [REDACTED]

Date Mailed: December 11, 2024
MOAHR Docket No.: 24-012288
Agency No.: [REDACTED]
Petitioner: [REDACTED] [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 was held by telephone on December 2, 2024. Petitioner appeared and was represented by their Authorized Hearing Representative (AHR), [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by Danielle Moton, Assistance Payments Worker.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case for failure to return requested verifications?

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 September 23, 2024, the Department received a completed FAP Semi-Annual Contact Report (SACR) from Petitioner. (Exhibit A, pp. 8 – 10).
2. On September 23, 2024, the Department received receipts regarding income paid to Petitioner for a period in August 2024.
3. On October 10, 2024, the Department sent Petitioner a notice that his FAP case would close on October 31, 2024 due to Petitioner's failure to return the SACR. (Exhibit A, pp. 11 – 12).

4. On October 25, 2024, the Department received a request for hearing from Petitioner that disputed that he failed to return the SACR. The Department located the SACR and the receipts Petitioner provided on September 23, 2024.
5. On November 6, 2024, the Department, Petitioner, and his AHR participated in a per-hearing conference. The Department advised Petitioner and his AHR that the receipts Petitioner provided were insufficient and that additional verification regarding Petitioner's income was necessary.
6. On November 6, 2024, the Department sent Petitioner a Verification Checklist (VCL) that requested Petitioner provide verification of his employment income from Downer Development, LLC (Employer) to the Department by November 18, 2024. (Exhibit A, pp. 13 – 14).
7. On December 2, 2024, the Department sent Petitioner a Notice of Case Action (NOCA) that closed Petitioner's FAP case effective November 1, 2024 for failure to return requested verifications.

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 initially requested a hearing to dispute that he failed to return his SACR to the Department. Upon receipt of Petitioner's request for hearing, the Department located and registered Petitioner's SACR, and requested verification of Petitioner's income. The Department did not receive the requested verification and closed Petitioner's FAP case. At the hearing, Petitioner disputed the closure of his case.

The Department must periodically redetermine an individual's eligibility for active programs, which includes a thorough review of all eligibility factors. BAM 210 (January 2024), pp. 1, 3. As part of the redetermination process, verification is usually required. BAM 130 (October 2023), p. 1. To request verification of information, the Department sends a VCL which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. If there is a discrepancy between a client's statements and available documents or information, the Department is to give the client an opportunity to resolve the discrepancy before denying the FAP case for failure to provide requested

verification. BAM 130, p. 9. The Department sends a NOCA closing the client's case when the client refuses to provide the verification or when the verification due date has passed, and the client has not made a reasonable effort to provide the requested documents. BAM 130, pp. 7 – 8.

In this case, Petitioner returned his SACR and several receipts to the Department on September 23, 2024. During a conference held on November 6, 2024, Petitioner and his AHR disclosed to the Department that Petitioner was employed by Employer, and that documents had been provided to the Department on September 23, 2024. The Department credibly testified that the documents were illegible and/or incomplete receipts, and that it advised Petitioner during that conference that additional and complete verification of Petitioner's income was required. The Department also sent Petitioner a VCL the day, requesting verification of his last 30 days of income from Employer with a due date of November 18, 2024. (Exhibit A, pp. 13 – 14).

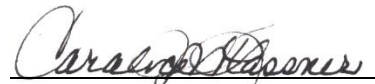
At the hearing, the AHR testified that Petitioner did not provide any verification to the Department in response to the VCL because he already provided documentation to the Department on September 23, 2024. However, because the Department advised Petitioner and his AHR that the receipts Petitioner provided on September 23, 2024 were not acceptable verification, and gave Petitioner the opportunity to provide acceptable verification when it sent Petitioner the VCL, and Petitioner chose not to do so, the Department properly closed Petitioner's FAP case for failure to provide requested verifications.

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 acted in accordance with Department policy when it closed Petitioner's FAP case effective November 1, 2024.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

CML/nr



Caralyce M. Lassner
Administrative Law Judge

