



GRETCHEN WHITMER  
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

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Date Mailed: December 6, 2024  
MOAHR Docket No.: 24-012419  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness**

**HEARING DECISION**

On October 31, 2024, Petitioner, ██████████, requested a hearing to dispute a Food Assistance Program (FAP) closure. 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 December 5, 2024. Petitioner appeared and represented himself. Respondent, Department of Health and Human Services (Department), had Megan Sterk, AP Supervisor, appear as its representative.

A 19-page packet of documents provided by the Department was admitted collectively as the Department’s Exhibit A.

**ISSUE**

Did the Department properly close Petitioner’s FAP benefit 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. On ██████████ 2024, Petitioner submitted a redetermination.
2. On October 8, 2024, the Department mailed to Petitioner a verification checklist. The form instructed Petitioner to submit verification of his annuity by submitting a recent check stub(s) or a letter or document from the person/agency making the payment by October 18, 2024.
3. On October 21, 2024, the Department mailed a Notice of Case Action to Petitioner to notify him that his FAP benefits were closing effective November 1, 2024, because verification of Petitioner’s unearned income was not returned.

4. On October 31, 2024, Petitioner requested a hearing to dispute the Department's decision.
5. On November 1, 2024, a prehearing was held, and Petitioner was advised that proof of the amount Petitioner receives from his annuity and a copy of the annuity contract needed to be submitted to the Department.
6. On November 1, 2024, Petitioner submitted a recent check statement from his annuity payment.

### **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 close his FAP benefit case. The Department closed Petitioner's FAP benefit case because Petitioner did not return requested verification of his annuity that was needed to redetermine his eligibility for FAP benefits.

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 redetermine Petitioner's eligibility for FAP benefits after Petitioner reported receiving an annuity on his [REDACTED], 2024, redetermination. 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.

Petitioner acknowledged that he was untimely in submitting the check statement from ██████████ to the Department. Petitioner indicated that he made an honest mistake as he thought that he had timely submitted the request verifications to the Department.

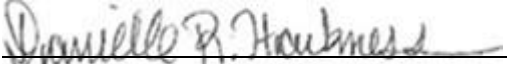
In this case, the Department did not receive the verification by the due date and the Department properly closed Petitioner's FAP benefit case effective November 1, 2024.

**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 closed Petitioner's August FAP benefit case effective November 1, 2024.

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

DH/pt

  
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**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**  
Karen Koedam  
Barry County DHHS  
430 Barfield Drive  
Hastings, MI 49058  
**MDHHS-Allegan-Hearings@michigan.gov**

**Hearing Decision**  
BSC3  
M Holden  
B Cabanaw  
N Denson-Sogbaka  
MOAHR

**Via-First Class Mail:**

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