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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

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██████████, MI ██████████

Date Mailed: January 28, 2025
MOAHR Docket No.: 24-013965
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on January 21, 2025, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Amber Gibson.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for Food Assistance Program (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 ██████████ ██████████ 2024, the Department received Petitioner's application for Food Assistance Program (FAP), Child Development and Care (CDC), and cash assistance benefits as a household of two. Exhibit A, p 4.
2. Petitioner reported to the Department that she is self-employed. Exhibit A, p 16.
3. On August 21, 2024, the Department requested that Petitioner provide verification of her self-employment and income from self-employment by September 3, 2024. Exhibit A, pp 19-20.
4. The Department received a listing of online payments received by Petitioner that does not verify that these are payments to her. Exhibit A, pp 26-29.

5. The Department received a partial copy of Petitioner's federal income tax return that does not show the gross receipts from her self-employment. Exhibit A, p 30.
6. On September 18, 2024, the Department notified Petitioner that she is not eligible for Food Assistance Program (FAP) benefits. Exhibit A, p 31.
7. On August 21, 2024, the Department sent Petitioner a second Verification Checklist (DHS-3503) with a September 6, 2024, due date. Exhibit A, pp 22-23.
8. On December 10, 2024, the Department received Petitioner's verbal request for a hearing protesting the denial of her Food Assistance Program (FAP) application.

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) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to file a signed request for an administrative hearing. Clients may make a verbal request for a hearing protesting FAP benefits. The request must be received anywhere in DHS within the 90 days. Department of Human Services Bridges Administrative Manual (BAM) 600 (June 1, 2024), pp 3-7.

Petitioner verbally requested a hearing protesting the denial of her FAP application and there is no entitlement to an administrative hearing concerning other benefits in accordance with BAM 600. Petitioner had applied for FAP, CDC, and cash assistance on August 19, 2024. In order for Petitioner to establish her eligibility for those benefits it is necessary for Petitioner to verify both her income, but also her work hours. The Department requested in writing that Petitioner provide verification of her income. Based on the description of Petitioner's income, she appears to fall under the classification of self-employment as an independent contractor.

However, the verification documents provided by Petitioner to the Department are insufficient to accurately determine her eligibility for FAP benefits.

Petitioner argues that she was told on the telephone that the documents she had provided were sufficient but was unable to offer evidence of these verbal instructions.


Petitioner was sent a written request for verification specifying what she should submit. The hearing record supports a finding that the verification documents she submitted do not fulfill the specific requests made on the verification checklist and are not adequate to accurately verify Petitioner's self-employment. The listing of payments does not verify that those are the payments made to her and the income tax return only shows her adjusted gross income and not the gross receipts from her self-employment.

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 denied Petitioner's application for Food Assistance Program (FAP) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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

Amber Gibson
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Interested Parties

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Via-First Class Mail :

Petitioner

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