



Date Mailed: February 11, 2025

Docket No.: 24-038047

Case No.:

Petitioner:

«RECIP_FULL_NAME»

«RECIP_ADD0»

«RECIP_ADD1»

«RECIP_ADD2»

«RECIP_CITY», «RECIP_SPCODE»

«RECIP_POSTAL»

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference on February 6, 2025. Petitioner [REDACTED] (household member; husband of [REDACTED]) appeared and was unrepresented. Petitioner's understanding of the hearing was facilitated by Arabic interpreter Mona Sayed. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Rebecca Scott, Eligibility Specialist.

ISSUE

Did MDHHS properly deny Petitioner's Food Assistance Program (FAP) application?

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], Petitioner applied for FAP and Medical Assistance (MA) benefits for a group size of nine (Exhibit A, pp. 6-15).
2. On October 4, 2024, MDHHS issued a Verification Checklist (VCL), requesting that Petitioner submit verification of donations or contributions from an individual outside of the FAP group to MDHHS by October 14, 2024 (Exhibit A, pp. 17-19).

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3. On October 15, 2024, MDHHS issued a Notice of Case Action to Petitioner, informing him that his FAP application was denied for failure to return requested verifications (Exhibit A, pp. 20-23).
 4. On December 18, 2024, Petitioner requested a hearing to dispute the denial of his application (Exhibit A, pp. 3-4).

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 the request for a hearing, Petitioner stated that he also disputes his MA case. Petitioner testified that the issue regarding MA was resolved prior to the hearing, and he no longer disputes MDHHS' action on his MA case. Therefore, the MA hearing request will be dismissed. Petitioner disputes the denial of his FAP application for failure to return the requested verification of donations or contributions to MDHHS.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application and for a reported change affecting eligibility or benefit level. MDHHS must obtain verification for a reported change affecting eligibility or benefit level. BAM 130 (May 2024), p. 1. MDHHS should only send a negative action notice when: the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 7. A donation to an individual by family or friends is the individual's unearned income. MDHHS counts the gross amount actually received, if the individual making the donation and the recipient are not members of any common eligibility determination group. BEM 503 (April 2024), p. 11. Loan proceeds are excluded from an individual's income if it is a bona fide loan, meaning that: a loan contract or the lender's written statement clearly indicating the borrower's indebtedness, an acknowledgment from the borrower of the loan obligation, and the borrower's expressed intent to repay the loan by pledging real or individual property or anticipated income. BEM 503, p. 25.

In this case, Petitioner reported to MDHHS that he received income from an individual outside of his household. This prompted MDHHS to issue a VCL to Petitioner

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requesting verification of the contribution that he receives. While Petitioner argues that these funds are a loan rather than a donation, at issue is that MDHHS denied Petitioner's FAP application for failure to return verification of this income. Petitioner testified that he did not submit any verification of the income received because the individual that loaned him the money was out of the country. Petitioner did not request assistance or an extension from MDHHS. MDHHS is unable to determine Petitioner's eligibility without submission of verification of income. Therefore, MDHHS acted in accordance with policy in denying Petitioner's application.

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 FAP application for failure to submit the requested verification.

DECISION AND ORDER

Because Petitioner's MA issue was resolved prior to hearing, the hearing request concerning MA is **DISMISSED**.

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



DANIELLE NUCCIO
ADMINISTRATIVE LAW JUDGE

NOTICE OF APPEAL: You may appeal to the circuit court for the county in which you reside within 30 days from the mailing date of this decision. The appeal should be filed with your local court and not MAHS. Contact your local court for information on how to file an appeal. You may also ask for a rehearing or reconsideration **if** the original hearing is not complete for the circuit review, if there is **newly** discovered evidence that existed at the time of the original hearing that could change the original hearing decision, if the ALJ did not correctly use manual policy or law, if there are obvious mistakes that change the rights of the Petitioner or if the ALJ did not address all of the issues you wrote in your hearing request. A request for rehearing/reconsideration **cannot** be granted if you only disagree with the decision itself. All rehearing or reconsideration requests must be received by MAHS within 30 days of the date on this decision.

Via Electronic Mail:

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Via First Class Mail:

Petitioner

[REDACTED]

Authorized Hearing Rep

[REDACTED]

