



Date Mailed: February 6, 2025

Docket No.: 24-038119

Case No.: 111177467

Petitioner: [REDACTED]

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।

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

[REDACTED]
MI [REDACTED]

HEARING DECISION

On December 26, 2024, Petitioner [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) determination. As a result, a hearing was scheduled to be held on February 4, 2025. Public assistance hearings are held 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; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner appeared and represented herself. Respondent Michigan Department of Health and Human Services (Department) had Hearing Facilitator Rachel Meade appear as its representative. Neither party had any additional witnesses.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 41-page packet of documents provided by the Department was admitted into evidence collectively as 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:

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1. On October 18, 2024, Petitioner applied for public assistance benefits from the Department, including FAP benefits.
2. On October 18, 2024, the Department interviewed Petitioner. Petitioner reported that she had worked for the military in the last 30 days. Petitioner reported that her employment with the military ended on October 8, 2024. Petitioner reported that she was expecting one more paycheck, but she did not know when she would receive it. Petitioner provided the Department with a form showing that she was discharged from active-duty military.
3. On October 18, 2024, the Department mailed a verification checklist to Petitioner to obtain additional information to determine her eligibility for FAP benefits. The verification checklist instructed Petitioner to provide the Department with one of the following: last 30 days of check stubs or earnings statements, employer statement, DHS-38 verification of employment, or DHS-3569 agricultural income verification. The Department mailed the DHS-38 to Petitioner as well.
4. Petitioner provided the Department with a copy of her October 8, 2024, military earnings statement. The earnings statement covered the month of September 2024.
5. The Department reviewed the earnings statement that Petitioner provided, and the Department determined that it was insufficient because it was not Petitioner's final earnings statement. Accordingly, the Department determined that the verification that Petitioner provided was insufficient.
6. On November 15, 2024, the Department mailed a notice of case action to Petitioner to notify her that her application for FAP benefits was denied because she did not provide sufficient verification as instructed.
7. Petitioner requested a hearing to dispute the Department's decision.

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 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, the Department denied Petitioner's application for FAP benefits because the Department determined that Petitioner did not provide sufficient verification as instructed. Verification is usually required at application/redetermination and for a reported change affecting eligibility. BAM 130 (May 1, 2024), p. 1. The Department must tell the client what verification is required, how to obtain it, and the due date. *Id.* at 3. The client must obtain required verification, but the local office must assist if the client needs and requests help. *Id.*

For FAP benefits, the Department must give the client 10 days to provide the requested verification. *Id.* at 7. Verifications are considered timely if received by the due date. *Id.* The Department must send a negative action notice when (1) the client refuses to provide the requested verification or (2) the client has failed to make a reasonable effort to provide the verification by the due date. *Id.*

Based on the evidence presented, Petitioner provided the Department with sufficient verification by the due date. The Department mailed a verification checklist to Petitioner, and it instructed Petitioner to provide one of the following: last 30 days of check stubs or earnings statements, employer statement, DHS-38 verification of employment, or DHS-3569 agricultural income verification. Petitioner provided the Department with a form showing she had been discharged from active-duty military, and Petitioner provided the Department with her October 8, 2024, military earnings statement. The form showing she had been discharged from active-duty military was an employer statement as described in the verification checklist, and the October 8, 2024, military earnings statement was her last 30 days of check stubs or earnings statements as described in the verification checklist. Thus, Petitioner complied with the Department's verification checklist by providing those two documents. Therefore, the Department should not have denied Petitioner's application for FAP benefits for failing to provide sufficient verification.

The Department's decision is reversed because Petitioner complied with the Department's verification checklist. The Department must reprocess Petitioner's application for FAP benefits with the information Petitioner provided. If the Department determines that it needs additional information to determine Petitioner's eligibility, then the Department may request additional information from Petitioner.

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 not act in accordance with its policies and the applicable law when it denied Petitioner's application for FAP benefits.

IT IS ORDERED: the Department's decision is **REVERSED**. The Department must redetermine Petitioner's eligibility for FAP benefits consistent with this decision. The Department shall begin to implement this decision within 10 days of the date of mailing of this hearing decision.



JEFFREY KEMM
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 the Michigan Office of Administrative Hearings and Rules (MOAHR). 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 MOAHR within 30 days of the date on this decision.

Via Electronic Mail:

Respondent
JACKSON COUNTY DHHS
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JACKSON, MI 49201
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HEARINGS@MICHIGAN.GOV**

Interested Parties
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EQAD
MOAHR

Via First Class Mail:

Petitioner

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



Date Mailed: February 6, 2025
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HEARING DECISION

On December 26, 2024, Petitioner Kamilla Anderson requested a hearing to dispute a Food Assistance Program (FAP) determination. As a result, a hearing was scheduled to be held on February 4, 2025. Public assistance hearings are held 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; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

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ISSUE

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FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

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1. On October 18, 2024, Petitioner applied for public assistance benefits from the Department, including FAP benefits.
2. On October 18, 2024, the Department interviewed Petitioner. Petitioner reported that she had worked for the military in the last 30 days. Petitioner reported that her employment with the military ended on October 8, 2024. Petitioner reported that she was expecting one more paycheck, but she did not know when she would receive it. Petitioner provided the Department with a form showing that she was discharged from active-duty military.
3. On October 18, 2024, the Department mailed a verification checklist to Petitioner to obtain additional information to determine her eligibility for FAP benefits. The verification checklist instructed Petitioner to provide the Department with one of the following: last 30 days of check stubs or earnings statements, employer statement, DHS-38 verification of employment, or DHS-3569 agricultural income verification. The Department mailed the DHS-38 to Petitioner as well.
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Based on the evidence presented, Petitioner provided the Department with sufficient verification by the due date. The Department mailed a verification checklist to Petitioner, and it instructed Petitioner to provide one of the following: last 30 days of check stubs or earnings statements, employer statement, DHS-38 verification of employment, or DHS-3569 agricultural income verification. Petitioner provided the Department with a form showing she had been discharged from active-duty military, and Petitioner provided the Department with her October 8, 2024, military earnings statement. The form showing she had been discharged from active-duty military was an employer statement as described in the verification checklist, and the October 8, 2024, military earnings statement was her last 30 days of check stubs or earnings statements as described in the verification checklist. Thus, Petitioner complied with the Department's verification checklist by providing those two documents. Therefore, the Department should not have denied Petitioner's application for FAP benefits for failing to provide sufficient verification.

The Department's decision is reversed because Petitioner complied with the Department's verification checklist. The Department must reprocess Petitioner's application for FAP benefits with the information Petitioner provided. If the Department determines that it needs additional information to determine Petitioner's eligibility, then the Department may request additional information from Petitioner.

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 not act in accordance with its policies and the applicable law when it denied Petitioner's application for FAP benefits.

IT IS ORDERED: the Department's decision is **REVERSED**. The Department must redetermine Petitioner's eligibility for FAP benefits consistent with this decision. The Department shall begin to implement this decision within 10 days of the date of mailing of this hearing decision.



JEFFREY KEMM
ADMINISTRATIVE LAW JUDGE

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