



Date Mailed: February 19, 2025

Docket No.: 24-038179

Case No.: 132044744

Petitioner: [REDACTED]

«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 4, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Services (MDHHS or Department) was represented by Hannah Czechowski, Hearings Coordinator.

ISSUE


Did the Department properly deny Petitioner's Food Assistance Program (FAP) benefit 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] 2024, Petitioner submitted an assistance application for FAP and cash assistance for herself, her spouse (Spouse), and minor child. (Exhibit A, pp. 6-13).
2. Petitioner is employed with the [REDACTED] (Employer 1) and Spouse is employed with [REDACTED] (Employer 2). (Exhibit A, p. 11).

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3. On November 19, 2024, the Department sent Petitioner a Verification Checklist (VCL) with a due date of December 2, 2024, requesting, in relevant part, proof of income. To verify income, the VCL requested as acceptable proofs the last 30 days of check stubs or earnings statements for Petitioner and Spouse. (Exhibit A, pp. 15-17).
 4. The Department verified Petitioner's wages with Employer 1 via a consumer employment and income report called the Work Number. (Exhibit A, pp. 36-39).
 5. On November 23, 2024, the Department received the following four check stubs for Spouse:

Check Date	Check Amount
November 5, 2024	 (bonus check)
November 6, 2024	
November 13, 2024	
November 20, 2024	

(Exhibit A, pp. 25-28).

6. On November 26, 2024, the Department completed a phone interview with Petitioner. (Exhibit A, pp. 29-35). During the interview, the Department informed Petitioner that a check stub for October 23, 2024 was missing and must be submitted by the VCL due date of December 2, 2024. (Exhibit A, p. 35).
7. On December 17, 2024, the Department sent Petitioner a Notice of Case Action (NOCA) indicating that Petitioner was denied FAP benefits January 1, 2025 ongoing because Petitioner failed to provide required verification of Spouse's income. (Exhibit A, pp. 40-44).
8. On December 27, 2024, the Department received Petitioner's written request for hearing disputing the Department's denial of her FAP application for failing to provide verifications. (Exhibit A, pp. 45-46).

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

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pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In general, verification is to be obtained when required by policy, or when information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. Verification of earned income is required at application. BEM 501 (January 2024), p. 10. The Department must tell the client what verification is required, how to obtain it, and the due date. BAM 130 (May 2024), pp. 1-3.

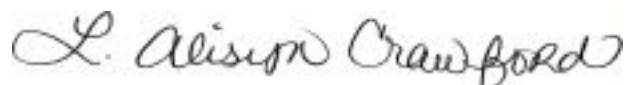
The Department must allow the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. Verifications are considered timely if received by the date they are due. The Department is to send a case action notice when the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130, pp. 8-9. Only adequate notice is required for an application denial. The client's eligibility will then be determined based on their compliance date if they return the required verifications within 60 days of the application date. BAM 130, pp. 7-8; see also BAM 115 Subsequent Processing.

Here, the VCL requested the last 30 days of check stubs or earning statements for Spouse. The applicable period 30 days prior to the VCL was October 20, 2024 to November 19, 2024. Because Spouse was paid weekly, there were five pay dates during the 30-day period: October 23, 2024, October 30, 2024, November 6, 2024, November 13, 2024, and November 20, 2024. Petitioner admitted she provided check stubs for pay dates November 5, 2024, November 6, 2024, November 13, 2024, and November 20, 2024. Although Petitioner testified that she submitted all the documents requested to the Department, the Department contended it needed but did not receive the October 23, 2024 check stub, or based on its testimony, the October 30, 2024 check stub. While Petitioner did provide check stubs, Petitioner did not provide 30 days of check stubs as requested by the VCL. The Department properly denied Petitioner's FAP application for failing to provide 30 days of check stubs to the Department.

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 acted in accordance with Department policy when it denied Petitioner's FAP application due to failure to provide required verifications.

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



**L. ALISYN CRAWFORD
ADMINISTRATIVE LAW JUDGE**

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APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks.

Via Electronic Mail:

Respondent

GENESEE COUNTY DHHS CLIO RD DIST

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MDHHS-GENESEE-CLIO-HEARINGS@MICHIGAN.GOV

Interested Parties

BSC4

M Holden

B Cabanaw

N Denson-Sogbaka

MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
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