



Date Mailed: April 4, 2025

Docket No.: 25-003421

Case No.: [REDACTED]

Petitioner: [REDACTED]

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

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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 March 26, 2025. Petitioner appeared for the hearing and represented herself. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Lori Turner, Eligibility Specialist.

ISSUE

Did the Department properly process Petitioner's Food Assistance Program (FAP) application and deny her request for SER assistance?

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 or around [REDACTED] 2024, Petitioner submitted an online application requesting FAP and SER assistance. (Exhibit A, pp. 9-17)
 - a. The application was submitted to the Department on [REDACTED] 2024, at around 2:14 PM. However, for an unexplained reason, the Department registered the application with a date of [REDACTED] 2024.

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2. On December 19, 2024, the Department sent Petitioner a Verification Checklist (VCL) for her FAP case instructing her to submit proof of her self-employment income by December 30, 2024. (Exhibit A, pp. 25-27)
 3. On December 19, 2024, the Department sent Petitioner a SER Verification Checklist instructing her to submit proof of her self-employment income and need/amount for SER services by December 26, 2024. (Exhibit A, pp. 28-29)
 4. On or around December 19, 2024, Petitioner participated in an application interview with a representative from the Department. (Exhibit A, pp. 18-24)
 5. On December 20, 2024, Petitioner submitted documentation of her income. However, the Department determined it was unacceptable because it did not have her name on it. (Exhibit A, pp. 37-38)
 6. Petitioner made various attempts to contact the Department via telephone and in person in order to confirm receipt of the income verifications and to ensure that they were acceptable.
 7. On or around January 2, 2025, the Department sent Petitioner a Notice of Case Action advising Petitioner that her FAP application was denied because she failed to return verification of her self-employment. (Exhibit A, pp. 48-53)
 8. On or around January 2, 2025, the Department sent Petitioner a State Emergency Relief Decision Notice advising that her request for SER assistance was denied because she failed to provide proof of information requested in the VCL. (Exhibit A, pp. 57-59)
 9. On or around January 6, 2025, Petitioner requested a hearing disputing the Department's actions with respect to the denial of her FAP and SER application. (Exhibit A, pp. 3-6)
 10. On or around January 16, 2025, Petitioner submitted updated self-employment information, as she had received her 2024 tax summary from Uber. (Exhibit A, pp. 31-33)
 11. On or around January 16, 2025, the Department sent Petitioner a Notice of Case Action advising her that she was approved for FAP benefits from January 16, 2025, ongoing. (Exhibit A, pp. 39-45)

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).

FAP/SER

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.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, Petitioner requested a hearing disputing the Departments actions with respect to her [REDACTED] 2024, application for FAP and SER benefits.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (May 2024), p.1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, pp. 3-4. For FAP cases, clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. The Department sends a negative action notice when the client indicates a 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, pp. 7-8.

BAM 115 provides guidance for the procedure the Department is to follow when a client completes the application process after denial but within 60 days after the application date, the Department is to reregister the application using the original application date and if eligible, determine whether to prorate benefits according to the initial benefits policy, provided that the application process was completed on or before the 30th day. If the application process is completed between the 31st and 60th day, the Department is to reregister the application using the date the client completed the process and if eligible, prorate benefits from the date the client complied. BAM 115 (January 2018), pp.24-27.

For the SER program, clients must be informed of all verifications that are required and where to return verifications. The Department will send a SER Verification Checklist (VCL) to request verifications and to notify the client of the due date for returning the verifications. The due date is eight calendar days beginning with the date of application. If the application is not processed on the application date, the deadline to return

verification is eight calendar days from the date verification is requested. This does not change the standard of promptness date. ERM 103 (October 2023), pp.1-8. The client must make a reasonable effort to obtain required verifications. The specialist must assist if the applicant needs and requests help. If neither the client nor the specialist can obtain the verifications, despite a reasonable effort, use the best available information. If no evidence is available, the specialist must use their best judgment. Verifications are considered timely if received by the date they are due. ERM 103, pp. 1-8. The Department will inform all SER applicants in writing of the decision made on their application by sending a DHS-1419, Decision Notice advising of the approval or denial of the application. ERM 108, pp. 1-8.

At the hearing, the Department representative testified that in connection with the [REDACTED] 2024, FAP and SER application, the Department issued the December 19, 2024, FAP VCL and December 19, 2024, SER VCL instructing Petitioner to submit requested verifications, including verification of her self-employment income by the December 30, 2024, and December 26, 2024, due dates identified on each VCL. The Department representative confirmed that on December 20, 2024, Petitioner submitted some verifications to the Department but because the information did not have Petitioner's name, it was not acceptable and the Department initiated the denial of the FAP and SER application by issuing the January 2, 2025, Notice of Case Action and the January 2, 2025, SER Decision Notice. The Department representative testified that after receiving acceptable verifications on January 16, 2025, it processed the income verification and approved Petitioner for ongoing FAP benefits in accordance with the subsequent processing policy outlined above. The Department asserted that Petitioner was ineligible for SER benefits however, as the self-employment documentation received on December 20, 2024, was not acceptable.

The Department asserted that there was no evidence that Petitioner contacted the Department to request assistance with submission of the verifications or to inquire about whether the documents she submitted would be acceptable, which Petitioner disputed. Petitioner testified that she participated in an interview with a Department representative on December 19, 2024, and asked whether the documentation she had to verify her self-employment income would be acceptable and was told that it would. Petitioner testified that on December 20, 2024, she submitted the documentation that she had available to her from her self-employment as a driver with Uber. Petitioner credibly testified that on December 23, 2024, Petitioner contacted the Department via telephone and was placed in a queue with hundreds of callers before her. Petitioner testified that she waited for her turn to speak to a representative for over an hour and the call disconnected. Petitioner made additional attempts to contact the Department via telephone and was unable to reach a live representative. Petitioner credibly testified that she went to the local MDHHS office on December 27, 2024, signed in, and waited in the lobby for two hours to speak to someone. Petitioner testified that a Department representative informed her that someone would give her a call but she never received one. Petitioner credibly testified that when she received her 2024 tax summary from Uber, she submitted it to the Department on or around January 16, 2025. Petitioner established that she made a reasonable effort to comply with the request for

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verifications and did not indicate a refusal to submit requested verification of income. Petitioner's testimony as to her attempts to contact the Department regarding the VCL and to ensure that the documentation she submitted on December 20, 2024 was acceptable was credible and consistent. As such, the Department failed to establish that it properly processed Petitioner's FAP and SER application.


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 Department policy when it denied Petitioner's [REDACTED] 2024, FAP and SER application.

Accordingly, the Department's FAP and SER decisions are **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Register and process Petitioner's [REDACTED] 2024, FAP and SER application to determine her eligibility for FAP and SER benefits from [REDACTED] 2024, ongoing;
2. Issue FAP supplements to Petitioner for any benefits she was eligible to receive but did not from [REDACTED] 2024, ongoing; in accordance with Department policy;
3. Supplement Petitioner and/or her SER provider for any SER benefits that she was eligible to receive but did not from the [REDACTED] 2024, application date, ongoing; and
4. Notify Petitioner in writing of its decisions.


ZAINAB A. BAYDOUN
ADMINISTRATIVE LAW JUDGE

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. 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. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Respondent

WAYNE-GREENFIELD/JOY-DHHS
8655 GREENFIELD RD
DETROIT, MI 48228

MDHHS-WAYNE-17-HEARINGS@MICHIGAN.GOV

Interested Parties

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B CABANAW
M HOLDEN
E HOLZHAUSEN
J MCLAUGHLIN
MOAHR

Via First Class Mail:

Petitioner

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