



Date Mailed: March 6, 2025

Docket No.: 25-004744

Case No.: [REDACTED]

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।

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.

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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; 42 CFR 438.400 to 438.424; 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 Microsoft Teams on February 24, 2025; the parties participated by telephone. Petitioner did not participate and was represented. [REDACTED] Petitioner's friend, participated as Petitioner's authorized hearing representative (AHR). The Michigan Department of Health and Human Services (MDHHS) was represented by Jamilla Goods, specialist.

ISSUES

The issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility.

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 applied for FAP benefits.

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2. On [REDACTED] 2024, Petitioner reported receiving various amounts of gift income from her mother and her friend.
 3. On December 23, 2024, MDHHS mailed Petitioner a Verification Checklist requesting proof of income from someone outside of the benefit group due by January 3, 2025.
 4. On January 16, 2025, MDHHS approved Petitioner for \$[REDACTED] in monthly FAP benefits.
 5. On January 17, 2025, MDHHS terminated Petitioner's FAP eligibility beginning February 2025 due to a failure to verify information.
 6. On January 28, 2025, Petitioner requested a hearing to dispute the termination of FAP benefits.

CONCLUSIONS OF LAW

The 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. MDHHS administers the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. FAP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a termination of FAP benefits. Exhibit A, pp. 3-5. MDHHS testified it incorrectly approved Petitioner's FAP benefits application dated [REDACTED], 2024 on January 16, 2025, after Petitioner allegedly failed to verify information.¹ To correct its alleged error, MDHHS sent a Notice of Case Action dated January 17, 2025, stating that Petitioner's FAP eligibility would end February 2025 due to a failure to verify information. Exhibit A, pp. 24-28.

A donation to an individual by family or friends is the individual's unearned income. BEM 503 (January 2025) p. 11. MDHHS is to verify countable unearned income at application. *Id.*, p. 44.

For all programs, MDHHS is to tell the client what verification is required, how to obtain it, and the due date. BAM 130 (May 2024) p. 3. MDHHS is to use the DHS-3503, Verification Checklist (VCL), to request verification. *Id.* MDHHS is to allow the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. *Id.*, p. 7. MDHHS is to send a negative action notice when:

- The client indicates refusal to provide a verification, or

¹ The corresponding Notice of Case Action approved Petitioner for \$[REDACTED] in monthly FAP benefits. Exhibit A, pp. 18-23.

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- The time period given has elapsed and the client has not made a reasonable effort to provide it. *Id.*

During an application interview on December 23, 2024, MDHHS documented that Petitioner reported receiving recent income from a friend and her mother. Exhibit A, pp. 7-13. Specifically, Petitioner reported receiving \$[REDACTED] in the past and current month from her friend; MDHHS did not document past gift income from Petitioner's mother.

MDHHS mailed Petitioner a VCL on December 23, 2025, requesting donation income proofs by January 3, 2025. Exhibit A, pp. 15-17. Petitioner timely returned a statement from her friend (also Petitioner's AHR) stating he gave her a "one-time payment" of \$[REDACTED]. After calling MDHHS about case closure, Petitioner's friend/AHR testified he returned an updated letter to MDHHS stating the amount he gave to Petitioner was a one-time payment of \$[REDACTED]. Petitioner's AHR blamed the allegedly multiple donations reported by Petitioner on a language barrier. The evidence was sufficient to verify a timely returned verification concerning income from Petitioner's friend/AHR.

No income verification was returned from Petitioner's mother. MDHHS contended that this alone justified case closure.

As stated above, MDHHS must inform a client what verification is required. BAM 130 (May 2024) p. 3. The VCL sent to Petitioner referenced proof of donations from outside of the group; it did not specify from which persons donation verification was needed. Petitioner's reporting of a one-time payment from her mother is not something that MDHHS seemingly would need to verify unless specifically requested. Furthermore, Petitioner's friend/AHR testified he called MDHHS to inquire about case closure and was told about the shortcomings of the verification of his donations; he testified he was not told that Petitioner additionally needed to verify her mother's one-time donation.²

Given the evidence, MDHHS did not properly request verification of donations from Petitioner's mother. As a remedy, Petitioner is entitled to case reinstatement and an updated verification request.

² The AHR also testified that he and Petitioner could not access the MDHHS app at the time which may have contributed to any shortcomings in returning information.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly terminated Petitioner's FAP eligibility. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Reinstate Petitioner's FAP eligibility beginning February 2025 subject to the finding that MDHHS failed to properly request verification of Petitioner's mother's donation; and
- (2) Issue notice and supplements, if any, in accordance with policy.

The actions taken by MDHHS are **REVERSED**.



CHRISTIAN GARDOCKI
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. 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.

25-004744

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Via Electronic Mail:

Respondent

WAYNE-INKSTER-DHHS

26355 MICHIGAN AVE

INKSTER, MI 48141

MDHHS-WAYNE-19-HEARINGS@MICHIGAN.GOV

Via First Class Mail:

Petitioner

_____, MI _____

Interested Parties

BSC4

M HOLDEN

B CABANAW

N DENSON-SOGBAKA

MOAHR

Authorized Hearing Rep

_____ MI _____