



Date Mailed: March 27, 2025

Docket No.: 25-008443

Case No.: [REDACTED]

Petitioner: [REDACTED]

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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.

### **HEARING DECISION**

On [REDACTED] 2025, Petitioner [REDACTED] requested a hearing to dispute public assistance benefits. As a result, a hearing was scheduled to be held on March 25, 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 Assistance Payments Supervisor Jennifer Richard appear as its representative. Neither party had any additional witnesses.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 42-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 December 2, 2024, Petitioner applied for public assistance benefits from the Department, including FAP benefits. Petitioner reported that the members of her household were herself and her grandson, [REDACTED]
  2. On December 16, 2024, the Department interviewed Petitioner. Petitioner reported that [REDACTED] receives Social Security SSI benefits, but the Social Security Administration is issuing the payments to someone outside of her home.
  3. On December 16, 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 “supply proof of the unearned income including: who has the income, the type of income, date income started, and how often paid.” The verification checklist specified that it was seeking information about [REDACTED] income. The verification checklist instructed Petitioner to provide the requested proof to the Department by December 26, 2024. The Department simultaneously mailed a document to Petitioner that stated, “please provide verification the income for [REDACTED] is not in the home, that it is not being paid to you that we can excluded from your budgeted income in the home.”
  4. Petitioner was aware that the Department wanted her to verify that she was not receiving [REDACTED] Social Security SSI benefits.
  5. Petitioner contacted the Social Security Administration in an attempt to obtain verification, but Petitioner’s attempt was unsuccessful.
  6. The Department was able to verify through a State Online Query (SOLQ) report that [REDACTED] Social Security SSI benefits were being paid to [REDACTED] in [REDACTED]
  7. On December 30, 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 verification as instructed.
  8. Petitioner requested a hearing to dispute the Department’s decision.
  9. [REDACTED] has had full-coverage SSI Medicaid since May 1, 2024.
  10. Petitioner will become the payee for [REDACTED] Social Security SSI benefits effective April 2025.

### **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).

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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 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, the Department instructed Petitioner to provide proof that her household was not receiving [REDACTED] Social Security SSI benefits. The Department told Petitioner what verification was required, how to obtain it, and the due date. It was Petitioner's responsibility to obtain the verification. Petitioner made a good faith attempt to obtain the verification as instructed, but Petitioner was unable to. Petitioner did not refuse to provide the Department with verification, and Petitioner did not fail to make a reasonable effort to provide the verification. Under these circumstances, the Department should have used the information that it had available to determine Petitioner's FAP eligibility. 7 CFR 273.2(f)(5) and 7 CFR 273.2(f)(7).

The Department had access to a SOLQ report that showed who [REDACTED] SSI benefits were being paid to. The Department should have used the information from the SOLQ report together with the information provided by Petitioner to determine Petitioner's FAP eligibility. The Department did not use the information that it had available to determine Petitioner's FAP eligibility, so the Department did not properly determine Petitioner's FAP eligibility. Therefore, the Department's decision to deny Petitioner's application for FAP benefits is reversed. The Department shall redetermine Petitioner's eligibility for FAP benefits, effective December 2, 2024, based on the information that the Department had available.

Petitioner raised a concern about [REDACTED] Medicaid coverage in her hearing request. According to the Department, [REDACTED] has had full-coverage SSI Medicaid since May 1, 2024. The Department erroneously opened a second case for [REDACTED] Medicaid when Petitioner submitted her December 2, 2024, application. However, [REDACTED] has had full-coverage SSI Medicaid since May 1, 2024, so [REDACTED] has not suffered a loss of Medicaid coverage.

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### **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** that the Department's decision is **REVERSED**. The Department must redetermine Petitioner's eligibility for FAP benefits, effective December 2, 2024, consistent with this decision. The Department shall begin to implement this order within 10 days of the mailing date of this hearing decision.



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**JEFFREY KEMM**  
**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](http://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](mailto: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.

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**Via Electronic Mail:**

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**Interested Parties**

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B. CABANAW  
M. HOLDEN  
MOAHR

**Via First Class Mail:**

**Petitioner**

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\_\_\_\_\_ MI \_\_\_\_\_