



Date Mailed: March 27, 2025

Docket No.: 25-009184

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।

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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 himself. Respondent Michigan Department of Health and Human Services (Department) had Assistance Payments Supervisor Amanda Boobyer appear as its representative. Neither party had any additional witnesses.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 26-page packet of documents provided by the Department was admitted into evidence collectively as Exhibit A.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (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. Petitioner was a FAP benefit recipient.
 2. On October 7, 2024, Petitioner submitted a redetermination to renew his Medicaid eligibility. Petitioner listed his address as [REDACTED] Michigan [REDACTED]. Petitioner did not report any changes in his income from his veterans' compensation or his pension/retirement.
 3. Prior to Petitioner's redetermination, Petitioner had type ALMB Medicare Savings Program coverage.
 4. During Petitioner's redetermination, the Department discovered possible unreported assets on an asset detection report, so the Department decided to request additional information from Petitioner to determine his eligibility. The Department also decided to request additional information about Petitioner's income from his veterans' compensation or his pension/retirement because the information the Department had was outdated.
 5. On October 30, 2024, the Department mailed a verification checklist to Petitioner to obtain additional information to determine his eligibility. The verification checklist was addressed to Petitioner at [REDACTED] Michigan, [REDACTED]. The verification checklist instructed Petitioner to provide proof of his accounts at Omni Community Credit Union ending in [REDACTED] and [REDACTED]. The verification checklist instructed Petitioner to provide proof of his veterans' compensation such as a DHS-75 form or a letter or document from the person/agency making the payments. The verification checklist instructed Petitioner to provide proof of his pension/retirement such as a recent check stub or a letter or document from the person/agency making the payments. The verification checklist instructed Petitioner to provide his proof to the Department by November 12, 2024.
 6. Petitioner did not provide his proof to the Department by November 12, 2024.
 7. On December 6, 2024, the Department closed Petitioner's FAP benefits, effective January 1, 2025, and the Department closed Petitioner's Medicare Savings Program coverage, effective January 1, 2025.
 8. Petitioner requested a hearing to dispute the Department's decision.
 9. Subsequently, the Department reopened Petitioner's Medicare Savings Program coverage, retroactive to January 1, 2025, after Petitioner provided the Department with proof of his accounts at Omni Community Credit Union ending in [REDACTED] and [REDACTED].
 10. On February 25, 2025, Petitioner reapplied for FAP benefits.
 11. The Department mailed a verification checklist to Petitioner to obtain verification of his income again. Petitioner responded to the Department with verification, but the

verification was from 2023, and the Department determined that it was too old to use.

12. The Department denied Petitioner's application for FAP benefits because Petitioner did not provide verification of his income as instructed.

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).

Petitioner requested this hearing to dispute the Department's decision to close his Medicare Savings Program coverage and his FAP benefits. The Department has since reopened Petitioner's Medicare Savings Program coverage retroactive back to the date the Department closed it, so Petitioner has not suffered a lapse in Medicare Savings Program coverage. Therefore, the Department's decision to close his Medicare Savings Program coverage is moot. The only remaining issue is whether the Department properly closed Petitioner's FAP benefits.

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 closed Petitioner's 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 of his veterans' compensation and his pension/retirement. 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 did not make any attempt to provide the verification. Petitioner asserted that he did not receive the Department's verification checklist because he was in an inpatient facility. However, it was Petitioner's

responsibility to update his address with the Department, and Petitioner did not update his mailing address with the Department. The Department mailed the verification checklist to the address that Petitioner provided to the Department in October 2024. Thus, the Department mailed the verification checklist to Petitioner to the proper address. Petitioner did not make a reasonable effort to provide the verification by the due date, so the Department properly closed Petitioner's FAP benefits.

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 its policies and the applicable law when it closed Petitioner's FAP benefits.

IT IS ORDERED that the Department's decision is **AFFIRMED**.



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),

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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
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Interested Parties

BSC3
B. CABANAW
M. HOLDEN
MOAHR

Via First Class Mail:

Petitioner

_____ MI _____