



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: February 3, 2025
MOAHR Docket No.: 24-013489
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 by telephone on January 29, 2025. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by LaShona Callen, Assistance Payments Supervisor, and Brenda Harris, Eligibility Specialist.

ISSUE

Did the Department properly process Petitioner's Food Assistance Program (FAP) October 2024 redetermination 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. Petitioner is a full-time student at [REDACTED] (University).
2. On October 2, 2024, the Department received a redetermination application for FAP benefits from Petitioner. Petitioner reported that he was employed by [REDACTED] (Employer). (Exhibit A, pp. 5 – 7).
3. On October 28, 2024, the Department interviewed Petitioner regarding his FAP redetermination application. Petitioner reported that he is a student and is employed under the work study program. (Exhibit A, pp. 8 – 14).
4. On October 31, 2024, the Department sent a Notice of Case Action (NOCA) to Petitioner that denied Petitioner FAP benefits based on its determination that he was an ineligible student. (Exhibit A, pp. 17 – 20).

5. On November 18, 2024, the Department received a verbal request for hearing from Petitioner disputing the Department's closure of his FAP case. (Exhibit A, p. 4).
6. The Department determined it denied Petitioner FAP benefits in error and reinstated his FAP case. (Exhibit A, p. 1).
7. On December 2, 2024, the Department sent Petitioner a Verification Checklist (VCL) that requested verification of his employment under the work study program by December 12, 2024. (Exhibit A, pp. 21 – 23).
8. On December 2, 2024, the Department sent Petitioner a NOCA that informed Petitioner his FAP benefits of \$291 per month were continued for the period of April 1, 2024 through September 30, 2024, and approved Petitioner for FAP benefits of \$292 per month effective October 1, 2024 to October 31, 2025. (Exhibit B, pp. 1 – 7).
9. On December 19, 2024, the Department sent Petitioner notice that his FAP case would close effective February 1, 2025 for failure to submit requested verifications.

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

Petitioner requested a hearing to dispute closure of his FAP case because the Department determined he was an ineligible student. The Department testified that it incorrectly closed Petitioner's FAP case and subsequently reinstated the case. On December 2, 2024, the Department sent Petitioner a) a VCL that requested verification of his employment under the work study program, and b) a NOCA that approved Petitioner for FAP benefits of \$292 per month for the period of October 1, 2024 through October 31, 2025. As of the date of the hearing, Petitioner did not provide the Department with the requested verification.

Each time the Department receives an application or redetermination for FAP, it must determine the individual's eligibility for that program. BEM 212 (October 2024), p. 1. When determining initial and ongoing eligibility, verification is usually required. BAM 130 (May 2024), p. 1. Clients who are in student status must meet the criteria set forth

in BEM 245 to be eligible for FAP. BEM 212 (March 2024), p. 10. To verify that they meet the criteria for FAP eligibility set forth in BEM 245, the client must provide verification such as their hours of employment or proof that they are actually working under the work study program. BEM 245, pp. 12 – 13. To request verification of information, the Department sends a VCL which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. The Department sends a NOCA closing the client's case when the client refuses to provide the verification or when the verification due date has passed, and the client has not made a reasonable effort to provide the requested documents. BAM 130, pp. 7 – 8.

In this case, Petitioner testified that he was a full-time student at University and approved for work study employment. The Department testified that it initially closed Petitioner's FAP case in error and acted in accordance with Department policy when it reinstated the case when it discovered the error upon receipt of Petitioner's request for hearing. BAM 205 (January 2022), pp. 1 – 2.

The evidence established that after it reinstated Petitioner's case, the Department then sent him a) a VCL that requested verification of his employment under the work study program by December 12, 2024, and b) a NOCA that approved Petitioner for FAP benefits of \$292 per month for the period of October 1, 2024 through October 31, 2025. There was no dispute that as of the date of the hearing, Petitioner had not provided verification of his employment under the work study program. The Department testified that it sent a notice of case closure to Petitioner on December 19, 2024 that advised that Petitioner's FAP case would close February 1, 2025 for failure to provide the requested verifications¹.

Petitioner testified that he was confused because the VCL and NOCA were sent the same day and that because the NOCA approved him for FAP through October 31, 2025, he presumed he did not need to send the requested verifications. However, the Department acted in accordance with policy when it sent the VCL, which clearly instructed Petitioner to contact the Department if he had any questions regarding the VCL, and there was no evidence Petitioner attempted to contact the Department for clarification as to whether the verifications were required. Therefore, the Department properly sent Petitioner the notice of case closure when he failed to provide the verifications by the deadline.

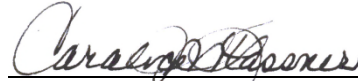
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it reinstated Petitioner's FAP benefit case upon discovering it had closed his case in error, and when the Department sent the VCL and the subsequent notice of case closure when Petitioner failed to provide the requested verifications.

¹ Petitioner was advised during the hearing that he could still submit the requested verifications to the Department as the instant hearing was held prior to closure of his case on February 1, 2025.

DECISION AND ORDER

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

CML/mp



Caralyce M. Lassner
Administrative Law Judge

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via-Electronic Mail :

DHHS

Denise Key-McCoggle
Wayne-Greydale-DHHS
27260 Plymouth Rd
Redford, MI 48239

**MDHHS-Wayne-15-Greydale-
Hearings@michigan.gov**

Interested Parties

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BSC4

Via-First Class Mail :

Petitioner

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