



Date Mailed: March 18, 2025
Docket No.: 25-006620
Case No.: [REDACTED]
Petitioner: [REDACTED]

FATIMA BEGUM
12314 MCDOUGALL ST
APT 1
DETROIT, MI 48212

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এটি একটি গুরুত্বপূর্ণ আইনি উকুমেন্ট। দয়া করে কেউ দার্শাবেজ অনুবাদ করুন।

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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 12, 2025. Petitioner appeared and was represented by Fhanu Ahmed. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Karina Littles, Family Independence Manager.

ISSUE

Did MDHHS properly deny Petitioner's Food Assistance Program (FAP) application due to excess gross income?

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] 2025, Petitioner applied for FAP benefits for a group size of five, consisting of: her husband, [REDACTED] (Husband); three minor children; and herself. Petitioner reported that Husband is employed at [REDACTED]. (Employer).

2. On January 22, 2025, MDHHS issued a Verification Checklist (VCL) to Petitioner, requesting 30 days of income information for Husband and verification of his loss of employment. MDHHS requested that this information be submitted by February 3, 2025 (Exhibit A, pp. 7-8).
3. MDHHS received paystubs from Employer from pay periods ending December 13, December 20, December 27, and January 10, 2025.
4. On February 3, 2025, MDHHS issued a Notice of Case Action to Petitioner informing her that her FAP application was denied for failure to return requested verifications (Exhibit A, pp. 13-14).
5. On February 5, 2025, MDHHS received Petitioner's timely submitted request for hearing disputing the denial of her FAP application (Exhibit A, pp. 3-6).

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 regarding the denial of her FAP application for failure to timely return verifications of income.

On January 22, 2025, MDHHS issued a VCL to Petitioner, requesting 30 days of income information for Husband and verification of his loss of employment. Verification is usually required at application and for a reported change affecting eligibility or benefit level. BAM 130 (May 2024), p. 1. All countable earned and unearned income available to the client must be considered in determining a client's eligibility for program benefits and group composition policies specify whose income is countable. BEM 500 (April 2022), pp. 1-5. MDHHS determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Prospective income is income not yet received but expected. In prospecting income, MDHHS is required to use income from the past 30 days if it appears to accurately reflect what is expected to be received in the benefit month, discarding any pay if it is unusual and does not reflect the normal, expected pay amounts. BEM 505 (October 2023), pp. 1-6. The client must obtain required verification, but the local office must assist if they need and request help. If neither the client nor the local office can obtain verification despite a reasonable effort,

MDHHS must use the best available information. BAM 130, p. 3. If the time period given to provide verifications has elapsed and the client has not made a reasonable effort to provide it, then a negative action notice must be sent. BAM 130, p. 7.

In this case, MDHHS received paystubs from Employer from pay periods ending December 13, December 20, December 27, and January 10, 2025. MDHHS testified that they needed a paystub from January 3, 2025 in order to properly determine Petitioner's eligibility. However, upon review, the paystub from January 10, 2025 was the only paystub issued for the month of January, due to the new year and holiday schedule. MDHHS did not have an explanation for failing to determine Petitioner's eligibility despite having 30 days of income information. Therefore, MDHHS did not act in accordance with policy in denying Petitioner's FAP application for failure to return requested verification.

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 FAP application.

Accordingly, the Department's decision is **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. Reregister Petitioner's [REDACTED] 2025 application;
2. Reprocess the application and recalculate the FAP budget for [REDACTED] 2025 ongoing;
3. If Petitioner is eligible for benefits, issue supplements to Petitioner for any FAP benefits she was eligible to receive but did not from [REDACTED] 2025 ongoing;
4. Notify Petitioner of its decision in writing.


DANIELLE NUCCIO
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.

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- 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

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Via Electronic Mail:

Respondent

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12140 JOSEPH CAMPAU
HAMTRAMCK, MI 48212
MDHHS-WAYNE-55-
HEARINGS@MICHIGAN.GOV

Interested Parties

EQAD HEARINGS
M. SCHAEFER
BSC4

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]



Date Mailed: March 18, 2025
Docket No.: 25-006620
Case No.: 118376491
Petitioner: FATIMA BEGUM

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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 January 3, 2025, Petitioner applied for FAP benefits for a group size of five, consisting of: her husband, Jubayer Ahmed (Husband); three minor children; and herself. Petitioner reported that Husband is employed at Logistics Insight Corp. (Employer).

2. On January 22, 2025, MDHHS issued a Verification Checklist (VCL) to Petitioner, requesting 30 days of income information for Husband and verification of his loss of employment. MDHHS requested that this information be submitted by February 3, 2025 (Exhibit A, pp. 7-8).
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DECISION AND ORDER

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Interested Parties
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M. SCHAEFER
BSC4

Via First Class Mail:

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DETROIT, MI 48212