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Date Mailed: May 22, 2025

Docket No.: 25-011330

Case No.: [REDACTED]

Petitioner: [REDACTED] [REDACTED]

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 May 19, 2025. Petitioner participated and was not represented. The Michigan Department of Health and Human Services (MDHHS) was represented by Shyla Coleman, specialist, and Kimonni Little, supervisor.

ISSUES

The issue is whether MDHHS properly denied Petitioner's Food Assistance Program (FAP) 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. On February [REDACTED] 2025, Petitioner applied for FAP benefits and twice reported not receiving out-of-state benefits in the past 30 days.
2. On February [REDACTED] 2025, MDHHS received documentation stating that FAP benefits Petitioner received from the State of New York ended in September 2024.
3. On February [REDACTED] 2025, MDHHS denied Petitioner's application due to Petitioner's alleged receipt of ongoing out-of-state FAP benefits.
4. On March [REDACTED] 2025, Petitioner requested a hearing to dispute the denial of FAP benefits.

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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 the denial of an application requesting FAP benefits. Exhibit A, pp. 3-5. Petitioner applied for FAP benefits on February █ 2025. Exhibit A, pp. 8-15. A Notice of Case Action dated February █ 2025, stated that Petitioner's application was denied due to receiving FAP benefits from another state. Exhibit A, pp. 18-21.

Benefit duplication means assistance received from the same (or same type of) program to cover a person's needs for the same month. BEM 222 (October 2018) p. 1. Benefit duplication is prohibited except for residents of domestic violence shelters who may temporarily be a member of multiple FAP benefits groups. *Id.*, p. 3. Furthermore, a person cannot be a member of more than one FAP benefit group in any month. *Id.*

MDHHS contended that Petitioner's application was properly denied because Petitioner received ongoing FAP benefits from the State of New York. Petitioner's application twice denied receipt of out-of-state benefits from the past 30 days. Exhibit A, p. 9 and 11.

MDHHS initially contended that Bridges, its database, was programmed to know when applicants received FAP benefits from another state. MDHHS also initially contended that its database automatically denied Petitioner's application after it uncovered Petitioner's receipt of ongoing FAP benefits from New York. Later MDHHS testimony acknowledged that its database does not automatically deny FAP benefit applications when clients receive out-of-state FAP benefits; MDHHS also acknowledged that it improperly denied Petitioner's application. MDHHS's acknowledgements are consistent with MDHHS policy which is not known to automatically deny applications when an applicant receives non-Michigan benefits.¹

Furthermore, the only evidence suggesting that Petitioner received out-of-state benefits was a document from the State of New York submitted to MDHHS on the same date Petitioner applied for benefits. The September █ 2024 document stated that Petitioner would stop receiving benefits from the State of New York as of September █ 2024. Exhibit A, p. 17. Rather than accepting the document as verification of stopped out-of-state benefits, MDHHS contended the document verified previously issued benefits and

¹ Every quarter, MDHHS's database assigns a task to specialists when it detects that an active benefit recipient receives out-of-state benefits. BAM 814 (April 2022). To dispose of the task, the specialist is expected to verify receipt of out-of-state benefits through communication with the other state and/or by reliance on previously submitted verifications. *Id.*

that Petitioner was required to submit a more current document as verification. The document did not verify that Petitioner receive out-of-state benefits as of the application date of February 7, 2024; thus, no verification, later dated or not, would be required.²

MDHHS failed to establish that Petitioner received ongoing out-of-state FAP benefits as of Petitioner's application date. Thus, MDHHS improperly denied Petitioner's application requesting FAP benefits. As a remedy, Petitioner is entitled to a reprocessing of the application requesting FAP benefits.

DECISION AND ORDER

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

- (1) Reprocess Petitioner's FAP eligibility dated February 7, 2025, subject to the finding that MDHHS failed to establish that Petitioner received ongoing out-of-state FAP benefits; 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.

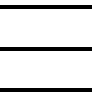
Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons

² Furthermore, if MDHHS required verification that out-of-state benefits stopped, MDHHS would be obliged to request it via Verification Checklist (see BAM 210).

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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**MDHHS-WAYNE-18-
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HOLDENM

BSC4HEARINGDECISIONS

MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]