



Date Mailed: April 29, 2025

Docket No.: 25-012035

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।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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 April 24, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Priya Johnson, Assistance Payments Supervisor.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits case effective January 1, 2025?

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 November 7, 2025, the Department received a completed redetermination application for FAP benefits from Petitioner for herself, husband (Spouse), adult children, [REDACTED] (NK) and [REDACTED] (OZ), and minor child, [REDACTED] (OL). The redetermination was for the certification and benefit period beginning January 1, 2025.

-
-
2. On January 9, 2025, the Department interviewed Petitioner.
 3. On January 9, 2025, the Department sent Petitioner a Verification Checklist (VCL) that requested verification of Spouse's self-employment income, and NK's and OZ's employment income. The Department requested the verifications be provided by January 21, 2025. (Exhibit B, pp. 1 – 3).
 4. On January 17, 2025, Petitioner provided verifications to the Department and called it to confirm receipt of the verifications. (Exhibit A, p. 5, Serial No. 62; pp. 11 – 12).
 5. On January 24, 2025, Petitioner called the Department a second time to confirm receipt of provided verifications. Petitioner was advised the verifications provided for NK's and OZ's employment income were not sufficient. (Exhibit A, p. 5, Serial No. 63).
 6. On January 24, 2025, the Department received additional verifications regarding NK's and OZ's employment income. (Exhibit A, pp. 7 – 10).
 7. On January 29, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that closed Petitioner's FAP benefit case effective January 1, 2025, for failure to provide requested verifications. (Exhibit A, pp. 16 – 17).
 8. On January 31, 2025, Petitioner called the Department again to check on the status of her FAP benefits. The Department noted that verifications had been received on January 17th, 24th, and 29th. (Exhibit A, p. 5, Serial No. 67).
 9. On February 13, 2025, the Department spoke to Petitioner and informed her that the income verifications for NK and OZ were missing required information, informed her of alternative verification options, and provided her with at least one employment verification form (EV). (Exhibit A, p. 5, Serial No. 71 – 72).
 10. On February 19, 2025, the Department received a completed EV for NK's employment. (Exhibit A, pp. 13 – 15).
 11. On February 20, 2025, the Department received a request for hearing from Petitioner. (Exhibit A, p. 4, Serial No. 73).
 12. On March 26, 2025, the Department received a verbal request for hearing from Petitioner, disputing the closure of her FAP benefit case. (Exhibit A, p. 3).

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 the Department's closure of her FAP benefit case for failure to return verifications. The Department closed Petitioner's FAP case on January 29, 2025, effective January 1, 2025, for failure to return acceptable verification of income for NK and OZ.

The Department must periodically redetermine an individual's eligibility for active programs, which includes a thorough review of all eligibility factors. BAM 210 (October 2024), pp. 1, 3. As part of the redetermination process, verification is usually required. BAM 130 (May 2024), p. 1. 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 must assist clients who need and request help to obtain verifications. BAM 130, p. 3; BAM 210, p. 1. If neither the client nor the local office can obtain verification despite a reasonable effort, the Department is to use the best available information. BAM 130, p. 4. Additionally, if there is a discrepancy between a client's statements and available documents or information, the Department is to give the client an opportunity to resolve the discrepancy before denying the FAP case for failure to provide requested verification. BAM 130, p. 9. The Department is to send 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 submitted a completed FAP benefit redetermination application to the Department on [REDACTED] 2024 for the certification period beginning January 1, 2025. The Department processed Petitioner's redetermination in January 2025 and sent Petitioner a VCL on January 9, 2025 that requested verification of FAP group members' income be returned to it by January 21, 2025.

There was no dispute that Petitioner provided verifications to the Department on January 17, 2025, in the form of screenshots of "pay statements" from a cell phone, and called the Department to confirm its receipt of the documents. Petitioner spoke to the Department again on January 24, 2025, and the Department testified that it advised Petitioner that the verifications provided were not sufficient because they did not indicate the name of the employee or employer. It was unclear from the evidence or testimony whether Petitioner was advised of any other deficiencies of the verifications during that call, but there was no dispute that Petitioner re-submitted the

January 17, 2025 verifications on January 24, 2025, with NK's and OZ's names handwritten on their respective screenshots.

Petitioner credibly testified that she also informed the Department several times that the documents she had provided were the only proof of income available to NK and OZ, and there was no evidence that the Department provided Petitioner with alternative verification options prior to January 29, 2025, when the Department closed Petitioner's FAP case for failure to provide verifications. It is noted that the evidence further established that on February 13, 2025, the Department did provide Petitioner with at least one EV, which was completed by NK's employer and returned to the Department on February 19, 2025. There was no evidence that an EV had previously been provided to Petitioner.

It was clear that Petitioner made a reasonable effort to provide the requested documents in a timely fashion but was unsuccessful. Because Petitioner made a reasonable effort, and advised the Department of the difficulties she was having in obtaining the documents, the Department had an obligation to assist her and give her an opportunity to resolve the issue before closing her FAP case. Therefore, based on the totality of the evidence and testimony, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's FAP case for failure to provide verifications.

DECISION AND ORDER

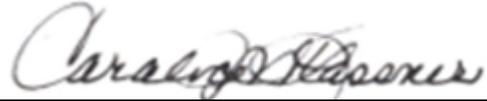
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's FAP benefit case effective January 1, 2025.

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. Redetermine Petitioner's eligibility for FAP benefits effective January 1, 2025 ongoing, requesting additional verifications and providing Petitioner assistance to obtain verifications if necessary;
2. If Petitioner is eligible for FAP benefits, issue supplemental payments to Petitioner for any FAP benefits she was eligible to receive but did not, for January 1, 2025 ongoing; and

3. Notify Petitioner of its decision in writing.



CARALYCE M. LASSNER
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 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
OAKLAND COUNTY DHHS -
SOUTHFIELD DIST
25620 W 8 MILE RD
SOUTHFIELD, MI 48033
**MDHHS-OAKLAND-6303-
HEARINGS@MICHIGAN.GOV**

Interested Parties
B. CABANAW
M. HOLDEN
BSC4

Via First Class Mail:

Petitioner

[REDACTED]



Date Mailed: April 29, 2025
Docket No.: 25-012035
Case No.: 101938926
Petitioner: ROSEMARY OKPALEKE

OAKLAND COUNTY DHHS - SOUTHFIELD
DIST
25620 W 8 MILE RD
SOUTHFIELD, MI 48033

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।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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 April 24, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Priya Johnson, Assistance Payments Supervisor.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits case effective January 1, 2025?

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 November 7, 2025, the Department received a completed redetermination application for FAP benefits from Petitioner for herself, husband (Spouse), adult children, Nkem (NK) and Ozioma (OZ), and minor child, Olaego (OL). The redetermination was for the certification and benefit period beginning January 1, 2025.

-
-
2. On January 9, 2025, the Department interviewed Petitioner.
 3. On January 9, 2025, the Department sent Petitioner a Verification Checklist (VCL) that requested verification of Spouse's self-employment income, and NK's and OZ's employment income. The Department requested the verifications be provided by January 21, 2025. (Exhibit B, pp. 1 – 3).
 4. On January 17, 2025, Petitioner provided verifications to the Department and called it to confirm receipt of the verifications. (Exhibit A, p. 5, Serial No. 62; pp. 11 – 12).
 5. On January 24, 2025, Petitioner called the Department a second time to confirm receipt of provided verifications. Petitioner was advised the verifications provided for NK's and OZ's employment income were not sufficient. (Exhibit A, p. 5, Serial No. 63).
 6. On January 24, 2025, the Department received additional verifications regarding NK's and OZ's employment income. (Exhibit A, pp. 7 – 10).
 7. On January 29, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that closed Petitioner's FAP benefit case effective January 1, 2025, for failure to provide requested verifications. (Exhibit A, pp. 16 – 17).
 8. On January 31, 2025, Petitioner called the Department again to check on the status of her FAP benefits. The Department noted that verifications had been received on January 17th, 24th, and 29th. (Exhibit A, p. 5, Serial No. 67).
 9. On February 13, 2025, the Department spoke to Petitioner and informed her that the income verifications for NK and OZ were missing required information, informed her of alternative verification options, and provided her with at least one employment verification form (EV). (Exhibit A, p. 5, Serial No. 71 – 72).
 10. On February 19, 2025, the Department received a completed EV for NK's employment. (Exhibit A, pp. 13 – 15).
 11. On February 20, 2025, the Department received a request for hearing from Petitioner. (Exhibit A, p. 4, Serial No. 73).
 12. On March 26, 2025, the Department received a verbal request for hearing from Petitioner, disputing the closure of her FAP benefit case. (Exhibit A, p. 3).

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 the Department's closure of her FAP benefit case for failure to return verifications. The Department closed Petitioner's FAP case on January 29, 2025, effective January 1, 2025, for failure to return acceptable verification of income for NK and OZ.

The Department must periodically redetermine an individual's eligibility for active programs, which includes a thorough review of all eligibility factors. BAM 210 (October 2024), pp. 1, 3. As part of the redetermination process, verification is usually required. BAM 130 (May 2024), p. 1. 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 must assist clients who need and request help to obtain verifications. BAM 130, p. 3; BAM 210, p. 1. If neither the client nor the local office can obtain verification despite a reasonable effort, the Department is to use the best available information. BAM 130, p. 4. Additionally, if there is a discrepancy between a client's statements and available documents or information, the Department is to give the client an opportunity to resolve the discrepancy before denying the FAP case for failure to provide requested verification. BAM 130, p. 9. The Department is to send 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 submitted a completed FAP benefit redetermination application to the Department on November 7, 2024 for the certification period beginning January 1, 2025. The Department processed Petitioner's redetermination in January 2025 and sent Petitioner a VCL on January 9, 2025 that requested verification of FAP group members' income be returned to it by January 21, 2025.

There was no dispute that Petitioner provided verifications to the Department on January 17, 2025, in the form of screenshots of "pay statements" from a cell phone, and called the Department to confirm its receipt of the documents. Petitioner spoke to the Department again on January 24, 2025, and the Department testified that it advised Petitioner that the verifications provided were not sufficient because they did not indicate the name of the employee or employer. It was unclear from the evidence or testimony whether Petitioner was advised of any other deficiencies of the verifications during that call, but there was no dispute that Petitioner re-submitted the

January 17, 2025 verifications on January 24, 2025, with NK's and OZ's names handwritten on their respective screenshots.

Petitioner credibly testified that she also informed the Department several times that the documents she had provided were the only proof of income available to NK and OZ, and there was no evidence that the Department provided Petitioner with alternative verification options prior to January 29, 2025, when the Department closed Petitioner's FAP case for failure to provide verifications. It is noted that the evidence further established that on February 13, 2025, the Department did provide Petitioner with at least one EV, which was completed by NK's employer and returned to the Department on February 19, 2025. There was no evidence that an EV had previously been provided to Petitioner.

It was clear that Petitioner made a reasonable effort to provide the requested documents in a timely fashion but was unsuccessful. Because Petitioner made a reasonable effort, and advised the Department of the difficulties she was having in obtaining the documents, the Department had an obligation to assist her and give her an opportunity to resolve the issue before closing her FAP case. Therefore, based on the totality of the evidence and testimony, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's FAP case for failure to provide verifications.

DECISION AND ORDER

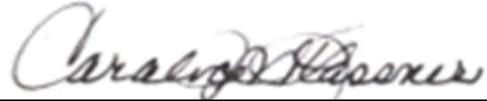
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's FAP benefit case effective January 1, 2025.

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. Redetermine Petitioner's eligibility for FAP benefits effective January 1, 2025 ongoing, requesting additional verifications and providing Petitioner assistance to obtain verifications if necessary;
2. If Petitioner is eligible for FAP benefits, issue supplemental payments to Petitioner for any FAP benefits she was eligible to receive but did not, for January 1, 2025 ongoing; and

3. Notify Petitioner of its decision in writing.



CARALYCE M. LASSNER
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 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
OAKLAND COUNTY DHHS -
SOUTHFIELD DIST
25620 W 8 MILE RD
SOUTHFIELD, MI 48033
**MDHHS-OAKLAND-6303-
HEARINGS@MICHIGAN.GOV**



Interested Parties
B. CABANAW
M. HOLDEN
BSC4

Via First Class Mail:

Petitioner
ROSEMARY OKPALEKE
23300 PROVIDENCE DR APT 402
SOUTHFIELD, MI 48075