



Date Mailed: May 22, 2025

Docket No.: 25-012934-RC

Case No.: [REDACTED]

Petitioner: [REDACTED]

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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.

[REDACTED] MI [REDACTED]

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Docket No.: 25-012934-RC
Case No.: [REDACTED]
Petitioner: [REDACTED]

SUPERVISING ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

ORDER GRANTING REQUEST FOR RECONSIDERATION
AND
DECISION ON RECONSIDERATION

On May 2, 2025, the Michigan Office of Administrative Hearing and Rules (MOAHR) received a request for rehearing and/or reconsideration from Petitioner Renee M. Canty. The request concerned the Hearing Decision in the above-captioned matter issued by Administrative Law Judge (ALJ) Danielle R. Harkness on April 30, 2025. Because the request was received by MOAHR within 30 days of the date the decision was issued, it is timely. MCL 24.287(3); MCL 400.37; Mich Admin Code, R 792.11015.

A rehearing is a full hearing which may be granted if the original hearing record is inadequate for purposes of judicial review or there is newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision. Bridges Administrative Manual (BAM) 600 (June 2024), p. 44. A reconsideration is a paper review of the facts, law or legal arguments and any newly discovered evidence that existed at the time of the hearing and may be granted when the original hearing record is adequate for purposes of judicial review and a rehearing is not necessary, but one of the parties is able to demonstrate that the ALJ misapplied manual policy or law in the hearing decision, which led to the wrong decision; issued a Hearing Decision with typographical errors, mathematical errors, or other obvious errors that affect the substantial rights of the petitioner; or failed to address other relevant issues in the hearing decision. BAM 600, p. 45.

Here, Petitioner had requested a hearing disputing the failure by the Michigan Department of Health and Human Services (MDHHS) to add her brother (Brother) to her Food Assistance Program (FAP) case and MDHHS's subsequent closure of her FAP case. In the Hearing Decision, the ALJ concluded that MDHHS had properly closed Petitioner's FAP case due to Petitioner's failure to verify household member information.

In the rehearing and/or reconsideration request, Petitioner alleges that the ALJ failed to consider MDHHS's failure to add Brother to her FAP case after she first reported in October 2024 that he had moved in with her and the ALJ misapplied policy by

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concluding that MDHHS properly closed Petitioner's FAP case due to failure to provide requested verifications required by policy. Because Petitioner has argued, citing supporting policy, that the ALJ misapplied manual policy or law in the Hearing Decision, which led to the wrong decision, and failed to address in the Hearing Decision relevant issues raised in her hearing request, a basis for reconsideration is established and Petitioner's request for reconsideration is **GRANTED**.

The following Decision on Reconsideration follows a comprehensive review of the case file, all exhibits, the hearing record, and applicable statutory and policy provisions.

DECISION ON RECONSIDERATION

ISSUES

Did MDHHS properly process Petitioner's member add for her FAP case?

Did MDHHS properly close Petitioner's FAP case.

FINDINGS OF FACT

The undersigned, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On April 29, 2025, a hearing was held under MOAHR docket no. 25-012934 concerning Petitioner's FAP case.
2. On April 30, 2025, the ALJ issued a Hearing Decision in the matter.
3. The Findings of Fact numbers 1 through 8 in the Hearing Decision are incorporated by reference.
4. On May 2, 2025, the Michigan Office of Administrative Hearings and Rules (MOAHR) received Petitioner's timely request for reconsideration, which is granted herein.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and Emergency Relief Manual (ERM).

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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, *et seq.*, and is implemented, in relevant part, by the federal regulations contained in 7 CFR 273. MDHHS (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.3001 to R 400.3011.

Petitioner requested a hearing disputing MDHHS's failure to add Brother to her FAP case and the closure of her FAP case effective March 1, 2025. In the Hearing Decision, the ALJ concluded that MDHHS properly closed Petitioner's FAP case due to her failure to verify Brother's income and her shelter expenses.

In her rehearing and/or reconsideration request, Petitioner first points out that MDHHS never processed her October 15, 2024 change report to add Brother to her FAP case. This issue was raised in her hearing request and not addressed in the Hearing Decision.

An individual's FAP group includes individuals who live together and purchase and prepare food together. BEM 212 (January 2022), p. 1. A member add to an individual's FAP group that increases benefits is effective the month after it is reported or, if the member left another group, the month after the member delete. BEM 550 (October 2024), p. 4; BEM 212, p. 9.

Here, MDHHS acknowledged receiving Petitioner's October 15, 2024 change report where Petitioner reported that Brother had moved in with her on August 30, 2024 and asked to have him added to her FAP case because they purchased and prepared food together. (Exhibit A, p. 14) It also acknowledged timely receiving copies of Brother's paystubs from his employer (Employer) on November 8, 2025. However, it provided no explanation for its delay in processing the member add in accordance with Department policy, which could have affected Petitioner's FAP benefit amount as of November 2024, several months before the case closure effective March 1, 2025. Therefore, MDHHS did not act in accordance with policy when it failed to timely process Petitioner's member add to her FAP case.

MDHHS explained that the March 1, 2025 case closure was due to Petitioner failing to provide requested information in connection with a semi-annual contact report Petitioner submitted to MDHHS on January 30, 2025. The February 6, 2025 VCL requested that Petitioner verify all household member information by phone and provide verification of home rent and the last 30 days of Brother's wages from Employer by February 18, 2025. Petitioner acknowledged that she had not provided verification of rent, explaining that she did not pay rent, or of Brother's wages because she had previously provided Brother's paystubs.

A semi-annual contact report is considered complete when all the sections of the form are answered completely and required verifications are returned. BAM 210, p. 11. If a client reports a change in expense in the semi-annual contact report but does not return proof of the expense, the expense is removed from the budget. BAM 210 (April 2025), p. 11. Therefore, the failure to verify rent would not support a FAP case closure. However, the March 7, 2025 Notice of Case Action did not identify the failure to verify rent as the basis for case closure. Rather, the case closed due to Petitioner's failure to verify Brother's last 30 days' income from Employer.

Semi-annual contact forms are pre-filled with a client's gross earned income from their most current budget. BAM 210, p. 12. If the client's gross income has changed by more than \$125 from the pre-filled amount on the form, they must return verification of past 30 days of earnings with completed MDHHS-1046. BAM 210, p. 12. If the client indicates their gross earned income has not changed by more than \$125, verification of the past 30 days is not required. BAM 210, p. 12.

Petitioner argues that, because Brother's monthly income had not changed by more than \$125 since she provided verification in November 2024, she had not identified any changes in the semi-annual contact form and was therefore not required under policy to verify Brother's current income. The semi-annual contact report that MDHHS provided into evidence only showed the items that Petitioner had identified as changed; it did not show whether Brother's income was included in the budget and whether Petitioner had responded that there was no change of more than \$125 to the budgeted amount. In fact, the portion of the form only referenced self-employment income that had ended the prior year. (Exhibit A, p. 26) In the absence of this information, MDHHS failed to establish that it properly requested verification of Brother's income in accordance with MDHHS policy.

DECISION AND ORDER

Based on the above Findings of Fact and Conclusions of Law, the undersigned finds that that MDHHS failed to properly process Petitioner's October 15, 2024 reported addition of Brother to her FAP group and did not satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's FAP case.


Accordingly, the April 30, 2025 Hearing Decision is **REVERSED**.

MDHHS IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION ON RECONSIDERATION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

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1. Process the October 15, 2024 change report to add Brother to Petitioner's FAP case;
 2. Redetermine Petitioner's FAP eligibility for March 1, 2025 ongoing, requesting verification of Brother's gross income if the semi-annual contact report identified Brother's gross monthly income on the form **and** Petitioner indicated that it had not changed by more than \$125 as of the report date;
 3. If eligible, issue a FAP supplement for FAP benefits Petitioner was eligible to receive but did not for November 1, 2024 ongoing; and

4. Notify Petitioner in writing of its FAP decision.



ALICE C. ELKIN
SUPERVISING ADMINISTRATIVE
LAW JUDGE

Via
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Respondent

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Interested Parties

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