



Date Mailed: May 21, 2025

Docket No.: 25-016147

Case No.: [REDACTED]

Petitioner: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

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هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

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.

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Case No.: [REDACTED]

Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Error! Unknown document property name.

HEARING DECISION

On April 24, 2024, Petitioner [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) closure. Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on May 20, 2025. Petitioner and [REDACTED] Petitioner's authorized hearing representative, appeared at the hearing. The Department of Health and Human Services (Department) was represented by Jennifer Richard, Assistance Payments Supervisor.

A 20-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly close Petitioner's FAP benefits?

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 6, 2025, Petitioner submitted a redetermination and reported that Petitioner works at [REDACTED] earning [REDACTED] per week.
2. On January 15, 2025, the Department mailed a verification checklist to Petitioner. The form instructed Petitioner to verify Petitioner's wages by submitting Petitioner's last 30 days of check stubs or earnings statements by January 27, 2025.
3. On January 28, 2025, the Department mailed a notice of case action to Petitioner to notify Petitioner that Petitioner's FAP benefits were closed beginning February 1, 2025, because verification of earned income was not returned as instructed.

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4. On February 3, 2025, the Department received Petitioner's check stubs.
 5. On April 24, 2025, Petitioner requested a hearing to dispute the Department's decision.
-

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

In this case, Petitioner is disputing the Department's decision to close Petitioner's FAP benefits because Petitioner did not timely return the requested verifications as instructed by the Department.

Verification is usually required by the Department at the time of application/redetermination or for a reported change affecting eligibility or benefit level. BAM 130 (January 1, 2023), p. 1. The Department must tell a client what verification is required, how to obtain it, and the due date. *Id.* at p. 3. The Department must allow the client 10 calendar days to provide requested verification. *Id.* at p. 7. The client must obtain the verification, but the local office must assist if the client needs it and asks for help. *Id.* Verifications are only considered timely if they are received by the due date. *Id.* The Department must send a Negative Action Notice when the client refuses to provide the verification, or the client has failed to provide the verification by the due date. *Id.*

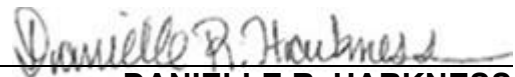
The Department requested verification from Petitioner because the Department needed additional information to redetermine Petitioner's eligibility for FAP benefits after Petitioner reported on Petitioner's January 6, 2025, Redetermination that Petitioner was earning [REDACTED] per week at [REDACTED] Inc. The Department properly instructed Petitioner what verification was required, how to obtain it, and the due date. The Department also properly allowed Petitioner 10 calendar days to provide the verification. It was Petitioner's responsibility to provide the verification to the Department by the due date. When the Department did not receive the verification by the due date, the Department properly closed FAP benefits because Petitioner failed to provide the verification by the due date. While Petitioner's authorized hearing representative argued that the requested verifications were faxed by Petitioner's employer on January 27, 2025,

no evidence that the requested verifications were timely submitted was presented at the hearing.

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 acted in accordance with its policies and the applicable law when it closed Petitioner's FAP benefits.

IT IS ORDERED, the Department's decision is **AFFIRMED**.



DANIELLE R. HARKNESS
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

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Via Electronic Mail:

Respondent

KENT COUNTY DHHS
121 MARTIN LUTHER KING JR ST SE
STE 200
GRAND RAPIDS, MI 49507
MDHHS-KENT-HEARINGS@MICHIGAN.GOV

Interested Parties

BSC3
B CABANAW
M HOLDEN
MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Michigan Office of Administrative Hearings and Rules
P.O. Box 30639
Lansing, MI 48909



Date Mailed: May 21, 2025
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Case No.: 115544947
Petitioner: [REDACTED]

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A 20-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly close Petitioner's FAP benefits?

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 6, 2025, Petitioner submitted a redetermination and reported that Petitioner works at [REDACTED] Inc. earning [REDACTED] per week.
2. On January 15, 2025, the Department mailed a verification checklist to Petitioner. The form instructed Petitioner to verify Petitioner's wages by submitting Petitioner's last 30 days of check stubs or earnings statements by January 27, 2025.
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In this case, Petitioner is disputing the Department's decision to close Petitioner's FAP benefits because Petitioner did not timely return the requested verifications as instructed by the Department.

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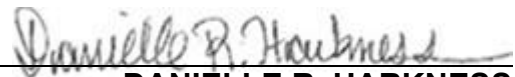
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DECISION AND ORDER

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 acted in accordance with its policies and the applicable law when it closed Petitioner's FAP benefits.

IT IS ORDERED, the Department's decision is **AFFIRMED**.



DANIELLE R. HARKNESS
ADMINISTRATIVE LAW JUDGE

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M HOLDEN
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Via First Class Mail:

Petitioner

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4854 BRETON RD SE SUITE 017
GRAND RAPIDS, MI 49508-8426