



**Date Mailed:** July 11, 2025

**Docket No.:** 25-022678

**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.

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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 July 7, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Marcella Towns, Assistance Payments Worker.

It is noted that although Exhibit 1 was requested and admitted as evidence during the hearing, Petitioner failed to timely file the documents with the undersigned after the hearing as instructed. Thus, Exhibit 1 is excluded from the formal record and only Exhibit A, Exhibit B, and Exhibit C, which were properly filed and admitted, remain.

### **ISSUE**

Did MDHHS properly deny 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 an unknown date, Petitioner submitted an application for FAP benefits.
2. On May 19, 2025, MDHHS issued a Verification Checklist (VCL) to Petitioner, requesting that she submit verification of earned income and employment to MDHHS by May 29, 2025 (Exhibit A, pp. 6-9).
3. MDHHS did not receive earned income verification from Petitioner (Exhibit B, p. 1; Exhibit C, p. 3).
4. On June 5, 2025, MDHHS issued a Notice of Case Action to Petitioner, informing her that her FAP application was denied for failure to return verification of employment and income (Exhibit A, pp. 10-13).

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5. On June 12, 2025, Petitioner submitted a request for hearing, disputing the denial of her FAP application (Exhibit A, pp. 3-5).
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### **CONCLUSIONS OF LAW**

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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.

MDHHS denied Petitioner's FAP application for failure to timely return the requested verification of earned income. Petitioner disputes this denial, arguing that all requested verification was submitted timely.

On May 19, 2025, MDHHS issued a VCL to Petitioner, requesting that she submit verification of earned income and employment to MDHHS by May 29, 2025. Verification is usually required at application and for a reported change affecting eligibility or benefit level. BAM 130 (May 2024), p. 1. 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. BEM 505 (October 2023), pp. 1-2. 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, pp. 5-6. 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 presented documentation from Petitioner's Electronic Case File and Case Comments showing that they did not receive earned income verification from Petitioner (see Exhibit B, p. 1; Exhibit C, p. 3). MDHHS was unable to access Petitioner's employment information through the Work Number electronic database. Petitioner argues that she submitted verification timely and contacted MDHHS multiple times to ensure that nothing further was needed to determine her eligibility. There is no evidence corroborating Petitioner's testimony. It was requested that Petitioner submit all e-mail

correspondence with MDHHS as Exhibit 1 to be considered in this determination. Petitioner did not submit Exhibit 1 as requested.

As Petitioner did not submit the required verification of income information to MDHHS, MDHHS was unable to determine Petitioner's eligibility for FAP benefits. Therefore, MDHHS acted in accordance with policy in denying Petitioner's FAP application.

**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 MDHHS acted in accordance with Department policy when it denied Petitioner's FAP application.

Accordingly, the Department's decision is **AFFIRMED**.



**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](https://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](mailto: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**

WAYNE-INKSTER-DHHS  
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**MDHHS-WAYNE-19-HEARINGS@MICHIGAN.GOV**

**Interested Parties**

B. CABANAW  
M. HOLDEN  
BSC4

**Via First Class Mail:**

**Petitioner**

[REDACTED]  
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[REDACTED] MI [REDACTED]