



Date Mailed: August 14, 2025
Docket No.: 25-025730
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED]
MI [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।

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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.

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Docket No.: 25-025730

Case No.: [REDACTED]

Petitioner: [REDACTED]

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 August 6, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Rosemary Molsbee-Smith, Eligibility Specialist.

ISSUE

Did the Department properly process changes reported by Petitioner regarding her Food Assistance Program (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. Petitioner is an ongoing recipient of FAP benefits.
2. On April 17, 2025, the Department approved Petitioner for FAP benefits of \$23 per month for a two-person FAP group, effective April 1, 2025.
3. On [REDACTED] 2025, the Department received a complete application for FAP benefits from Petitioner. Petitioner reported that she was employed by [REDACTED] (Employer), and paid for rent, heat and other utilities, and internet; and that her rent expense had increased. Petitioner provided her two most recent paystubs from Employer. (Exhibit A, pp. 9 – 17).
4. On May 1, 2025, the Department sent Petitioner a Verification Checklist (VCL) that requested verification of income from the [REDACTED] (CTRO) and her shelter expense. (Exhibit A, pp. 18 – 19).
5. On May 1, 2025, the Department also sent Petitioner an Employment Verification Form for CTRO. (Exhibit A, pp. 21 – 27).
6. On May 7, 2025, Petitioner provided verification of her shelter expense and returned the Employment Verification Form for CTRO. The employment verification

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for CTRO reported Petitioner is a member of [REDACTED], not an employee; and that she receives a stipend per meeting. (Exhibit A, pp. 28 – 31).

7. On July 7, 2025, the Department received a request for hearing from Petitioner, disputing the Department's failure to send her notices regarding her FAP benefits and failure to process her reported rent increase. (Exhibit A, pp. 4 – 6).

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 failure to send her notices regarding her FAP benefits and failure to process her reported rent increase. The Department testified that Petitioner has been approved for \$23 per month in FAP benefits for a two-person FAP group effective April 1, 2025, and there were no subsequent changes made to Petitioner's FAP benefit amount. The Department further testified that it has not issued a Notice of Case Action (NOCA) or other notice to Petitioner regarding her FAP benefits in two years.

When a client reports a change that will result in a FAP benefit increase, the change must be effective no later than the first allotment issued 10 days after the change was reported, which is the month after the month in which the 10th day after the reported change falls, provided necessary verification was returned within 10 days after the change was reported. BAM 220 (November 2023), pp. 7 – 8. The Department must notify the client in writing of positive and negative actions in the client's case. BAM 220, p. 3. The notice must advise the client of a) the action(s) being taken by the Department, b) the reason for the action, c) the policies used by the Department to take the action, and d) the client's right to request a hearing and conditions under which the client may request continued benefits pending the hearing. BAM 220, pp. 3 – 4.

In this case, there was no dispute that the Department approved Petitioner for FAP benefits on April 17, 2025, effective April 1, 2025. The evidence established that on May 1, 2025, Petitioner reported to the Department that she paid for heat, other utilities, and internet, and that her rent had increased; and provided the Department with her two

most recent paystubs from Employer. The Department testified that it was previously unaware that Petitioner paid for internet.

The Department sent Petitioner a VCL the day she reported the change, requesting verification of her rent amount and income from CTRO, which she returned to the Department on May 7, 2025. Because Petitioner returned the required verifications within 10 days of reporting her change on May 1, 2025, pursuant to BAM 220, the effective date of any increase in her FAP benefits should have been June 1, 2025. However, the Department testified that although it updated Petitioner's case with some of her reported changes, a) it did not include her payment of an internet expense when it calculated her excess shelter deduction (Exhibit A, p. 46), and b) it did not certify Petitioner's FAP case. Additionally, although the Department testified that it discovered that it had not issued Petitioner a NOCA in two years and submitted an internal request to correct the issue, as of the date of the instant hearing, it had not issued Petitioner a NOCA in response to her reported changes of May 1, 2025.

The Department also testified that although it discovered errors in its processing of Petitioner's reported changes of May 1, 2025, it was unable to take corrective action due to another change report submitted by her on July 7, 2025, regarding her loss of employment with Employer. However, the Department did not identify any policy that allows for a delay in processing one change when an additional change is later reported.

Therefore, the Department did not meet its burden of showing that it processed Petitioner's May 1, 2025 reported changes in her household expenses, or issue her NOCAs, in accordance with Department policy.

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 processed Petitioner's May 1, 2025 reported changes in her household expenses in accordance with Department policy, and it failed to act in accordance with policy when it failed to issue NOCAs to Petitioner regarding her FAP benefits.

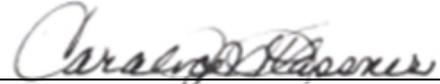
Accordingly, the Department's decision is **REVERSED**.

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 June 1, 2025;

1. If Petitioner is eligible for any supplemental FAP benefits, issue supplemental payments to Petitioner for any FAP benefits she was eligible to receive but did not, effective June 1, 2025 ongoing; and

2. 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.

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Via Electronic Mail:

Respondent

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Via First Class Mail:

Petitioner

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