



**Date Mailed:** September 12, 2025

**Docket No.:** 25-029013

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED] [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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**Case No.:** [REDACTED]

**Petitioner:** [REDACTED] [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Christian Gardocki**

### **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 telephone hearing commenced via Microsoft Teams on September 8, 2025. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Angela Ware, specialist.

### **ISSUES**

The first issue is whether Petitioner timely requested a hearing to dispute Food Assistance Program (FAP) eligibility.

The second issue is whether MDHHS properly denied Petitioner's application for State Disability Assistance (SDA) 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 September [REDACTED] 2023, MDHHS mailed Petitioner a notice advising of FAP benefit closure beginning August 2023.
1. On June [REDACTED] 2025, Petitioner applied for cash benefits based on being disabled.
2. On July [REDACTED] 2025, MDHHS denied Petitioner's SDA application due to Petitioner's alleged failure to return multiple verifications.
3. As of July [REDACTED] 2025, MDHHS failed to request disability verifications from Petitioner.
4. On July 31, 2025, Petitioner requested a hearing to dispute the denial of SDA benefits and the absence of FAP benefits since 2023.

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5. On August ■ 2025, MDHHS mailed Petitioner a Medical Determination Verification Checklist requesting by August 18, 2025, various documents including a Medical Social Questionnaire (DHS-49f), Authorization to Release Protected Health Information (DHS-1555), and proof of a pending Social Security Administration (SSA) disability application.
  6. As of August 18, 2025, MDHHS received all requested documents from Petitioner.

### **CONCLUSIONS OF LAW**

The FAP [formerly known as the Food Stamp program] is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 7 USC 2036d. It is implemented by the federal regulations contained in 7 CFR 273. MDHHS administers the 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 400.3031. FAP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing, in part, to dispute FAP eligibility. Exhibit A, pp. 3-5. Neither Petitioner's written hearing request nor his testimony specified what MDHHS action concerning FAP benefits prompted his hearing decision. MDHHS responded that Petitioner had not received FAP benefits since 2023 and had not applied since. Petitioner's testimony acknowledged the possibility that MDHHS's testimony was accurate.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 792.10101 to R 792.10137 and R 792.11001 to R 792.11020. Rule 792.11002(1) that an opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance is denied or is not acted upon with reasonable promptness, has received notice of a suspension or reduction in benefits, or exclusion from a service program, or has experienced a failure of the agency to consider the recipient's choice of service. Furthermore, a client's request for hearing must be received in the MDHHS local office within 90 days of the date of the written notice of case action. BAM 600 (February 2024) p. 6. For Food Assistance Program (FAP) benefits, a hearing request may be made orally. *Id.*

Presumably, Petitioner intended to dispute the closure of FAP benefits from 2023 as there was no evidence that Petitioner applied for benefits since. MDHHS presented a Notice of Case Action dated September ■ 2023, informing Petitioner of FAP benefit termination beginning August 2023. Petitioner requested a hearing on July 31, 2025: 688 days after MDHHS sent written notice. Because Petitioner failed to request a hearing within 90 days after MDHHS mailed notice, Petitioner's hearing request concerning FAP benefits is properly dismissed.

25-029013

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The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180. SDA policies are contained in the BAM, BEM, and RFT.

Petitioner also requested a hearing to dispute a denial of cash benefits. Exhibit A, pp. 3-5. Petitioner applied for cash benefits on June ■ 2025, and claimed to be disabled. Exhibit A, pp. 12-17. A Notice of Case Action dated July ■ 2025, stated that Petitioner was denied cash benefits due to failing to return documents verifying disability. Exhibit A, pp. 25-28.

For non-refugees, MDHHS offers two types of cash assistance programs.<sup>1</sup> The Family Independence Program (FIP) provides financial assistance to families with dependent children and pregnant individuals.<sup>2</sup> BEM 100 (April 2023) p. 1. SDA provides financial assistance to disabled adults who are not eligible for Family Independence Program (FIP) benefits. *Id.*, p. 5. As Petitioner was neither a caretaker to minor children nor pregnant, Petitioner was only potentially eligible to receive cash assistance under SDA.

For SDA applications, MDHHS is to complete a MD-VCL requesting the following required verifications from the applicant: Medical-Social Questionnaire (DHS-49-F), Reimbursement Authorization (DHS-3975), Authorization to Release Protected Health Information (DHS-1555), and verification of a Social Security Administration application/appeal. BAM 815 (January 2025) p. 4. The client or authorized representative must complete all sections of the DHS-49-F, Medical-Social Questionnaire. *Id.* This form is mandatory. *Id.* If requested mandatory forms are not returned, MDHHS cannot determine the severity of the disability and is to deny the application or place an approved program into negative action for failure to provide required verifications. *Id.*

MDHHS testimony acknowledged that it denied Petitioner's application before properly requesting documents via MD-VCL. MDHHS testified that it started to correct its error by sending a MD-VCL to Petitioner on August 8, 2025, along with documents expected to be completed and returned by August 18, 2025. Exhibit A, pp. 29-43. MDHHS additionally testified that Petitioner timely completed and returned all requested verifications.

Given the evidence, Petitioner did not fail to verify information. Thus, the denial of Petitioner's SDA application was improper. As a remedy, MDHHS will be ordered to reregister and reprocess Petitioner's application for SDA benefits.

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<sup>1</sup> A third type of cash assistance is available for refugees (see BEM 630).

<sup>2</sup> Pregnant women are also eligible to receive FIP benefits (see BEM 210).

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## **DECISION AND ORDER**

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The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner failed to establish administrative hearing jurisdiction for a dispute concerning FAP eligibility. Concerning FAP benefits, Petitioner's hearing request dated July 31, 2025, is **DISMISSED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS failed to establish it properly denied Petitioner's application for cash assistance. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Reregister Petitioner's cash assistance application dated June █ 2025
- (1) Reprocess Petitioner's SDA eligibility subject to the finding that Petitioner timely returned verifications; and
- (2) Issue notice and supplements, if any, in accordance with policy.

The actions taken by MDHHS are **REVERSED**.



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**CHRISTIAN GARDOCKI**  
**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

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**  
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2524 CLARK ST  
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**Via First Class Mail:**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]