



Date Mailed: September 19, 2025

Docket No.: 25-029987

Case No.: [REDACTED]

Petitioner: [REDACTED] [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

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এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ
দ্বারা 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。

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lутем, кини дикë та пëркtheni dokumentin.

Date Mailed: September 19, 2025
Docket No.: 25-029987
Case No.: [REDACTED]
Petitioner: [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 was held via Microsoft Teams on September 11, 2025. Petitioner participated and was represented, but he did not testify. [REDACTED] Petitioner's mother, participated as Petitioner's authorized hearing representative (AHR). [REDACTED], support coordinator from Community Living Services, testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by Jacob Frankmann, supervisor.

ISSUES

The first issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility.

The second issue is whether MDHHS properly terminated Petitioner's Medical Assistance (MA) eligibility.

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of June 2025, Petitioner was an ongoing recipient of FAP and MA benefits. Petitioner's FAP benefit period was certified through July 2025.
1. On June [REDACTED] 2025, MDHHS received Petitioner's redetermination documents for FAP benefits which reported gross monthly Retirement, Survivors Disability Insurance (RS DI) of \$[REDACTED] MDHHS also received a bank statement listing a \$[REDACTED] RS DI payment from the Social Security Administration.
2. On July [REDACTED] 2025, as part of the FAP redetermination, MDHHS sent Petitioner a Verification Checklist (VCL) requesting by July 21, 2025, an award letter or check stub verifying RS DI income.

3. On July █ 2025, for MA benefits, MDHHS sent Petitioner a Verification Checklist (VCL) requesting by August 1, 2025, an award letter or check stub verifying RSDI income.
4. On August █ 2025, MDHHS terminated Petitioner's FAP eligibility beginning August 2025 due to a failure to verify unearned income.
5. On August █ 2025, MDHHS terminated Petitioner's MA eligibility beginning September 2025 due to a failure to verify unearned income.
6. On an unspecified date before August 15, 2025, Petitioner's AHR went to the MDHHS office for further information about FAP and MA closure and was told to request a hearing.
7. On August 15, 2025, Petitioner requested a hearing to dispute the terminations of FAP and MA eligibility.
8. On August █ 2025, MDHHS received an award letter verifying Petitioner's RSDI income.

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's AHR requested a hearing, in part, to dispute a termination of FAP benefits. Exhibit A, pp. 3-5. A Notice of Case Action dated August █ 2025, stated that Claimant's FAP eligibility ended August 2025 due to a failure to verify unearned income. Exhibit A, pp. 42-46. MDHHS specified that Petitioner failed to sufficiently verify RSDI.

For all programs, MDHHS is to tell the client what verification is required, how to obtain it, and the due date. BAM 130 (May 2024) p. 3. MDHHS is to use the DHS-3503, Verification Checklist (VCL), to request verification. *Id.* For FAP benefits, MDHHS is to allow the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. *Id.*, p. 7. MDHHS is to send a negative action notice when:

- The client indicates refusal to provide a verification, or
- The time period given has elapsed and the client has not made a reasonable effort to provide it. *Id*

Generally, gross RSDI benefits are counted for all programs.¹ BEM 503 (January 2025) p. 30. Acceptable verification of RSDI includes a check stub, award letter, or “reliable source”. RSDI must be verified at benefit redetermination. *Id.*

MDHHS testified that RSDI was requested as part of a FAP redetermination. Petitioner reported receiving \$ [REDACTED] in monthly RSDI on redetermination documents submitted to MDHHS on June 24, 2025.² Exhibit A, pp. 23-27. In response to Petitioner’s reporting, MDHHS mailed Petitioner a VCL on July 11, 2025, requesting proof of RSDI by July 21, 2025.³ Exhibit A, pp. 35-37. Specific examples of acceptable RSDI verification on the VCL included an award letter or check stub. *Id.* It was not disputed that Petitioner did not return an award letter to MDHHS until August 25, 2025: the date of prehearing conference. Thus, MDHHS contended, Petitioner’s FAP eligibility properly ended August 2025.

Petitioner contended that a bank statement submitted to MDHHS on June [REDACTED] 2025, should have sufficiently verified MDHHS’s need for verification. MDHHS acknowledged receiving the bank statement. MDHHS also acknowledged that the bank statement verified a deposit of \$ [REDACTED] the same amount of Petitioner’s gross RSDI. However, MDHHS contended that a bank statement was not a reliable verification because it does not necessarily verify gross RSDI.

Petitioner’s AHR credibly testified that she went to the MDHHS office between receiving notice of FAP closure and requesting a hearing. Petitioner’s AHR also testified that MDHHS staff failed to inform her that an award letter rather than a bank statement was needed. Petitioner’s AHR additionally testified that she was instead told by MDHHS staff to request a hearing.

The evidence did not establish that Petitioner (or the AHR) refused to return verification. Petitioner timely returning a bank statement listing accurate RSDI, going to the MDHHS office after receiving notice of closure, and quickly returning an award letter the same day of being informed by MDHHS staff that an award letter was needed amounts to reasonable efforts by Petitioner. Thus, MDHHS failed to establish it properly terminated Petitioner’s FAP eligibility. As a remedy, Petitioner is entitled to a processing of the FAP benefits.

The MA program is established by Title XIX of the Social Security Act, 42 USC 1396 to 42 USC 1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for

¹ Exceptions to counting gross RSDI include the following: certain former SSI recipients (e.g., disabled-adult children, 503 individuals, and early widowers), retroactive RSDI benefits, Medicare premium refunds, fee deductions made by qualified organizations acting as payee, and “returned benefits” (see BAM 500). No known exceptions were applicable to the present case.

² MDHHS documented that Petitioner reported the same during an interview on July 11, 2025. Exhibit A, pp. 28-34

³ Generally, MDHHS can verify RSDI from a data exchange with the Social Security Administration. MDHHS credibly testified that it was unable to verify Petitioner’s RSDI because it was issued under a claim number different from Petitioner’s claim number.

the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10 to 42 CFR 430.25. MDHHS administers the MA program pursuant to 42 CFR 435, MCL 400.10 and MCL 400.103 to MCL 400.112k of the Social Welfare Act, MCL 400.1 *et seq.* MA policies are contained in the BAM, BEM, and RFT.

Petitioner's AHR also requested a hearing to dispute a termination of MA benefits. A Health Care Coverage Determination Notice dated August █ 2025, stated that Petitioner's MA eligibility would end September 2025 due to a failure to verify income. Exhibit A, pp. 47-50.

For MA benefits, MDHHS is to allow the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. BAM 130 (May 2024) p. pp. 8-9. MDHHS is to send a negative action notice when:

- The client indicates refusal to provide a verification, or
- The time period given has elapsed. *Id*

For MA benefits, MDHHS mailed Petitioner a VCL on July 22, 2025, requesting proof of RSDI by August 1, 2025.⁴ Exhibit A, pp. 38-39. Specific examples of acceptable RSDI verification listed were an award letter or check stub. *Id.* It was not disputed that Petitioner did not return an award letter to MDHHS until August 25, 2025: the date of prehearing conference. Thus, MDHHS contended that Petitioner's MA eligibility properly ended due to a lack of verification.

Petitioner again contended that RSDI was sufficiently verified via the bank statement submitted with Petitioner's FAP redetermination documents. Notably, MDHHS can close MA benefits without factoring a client's reasonable efforts. Thus, Petitioner's reasonable efforts in returning verification may not be factored in determining if MA eligibility was properly closed.

The presented redetermination documents indicated only FAP benefits were being redetermined. However, for MA benefits, MDHHS is to accept a client statement regarding changes in income for ongoing eligibility determination groups unless for the completion of a redetermination. BEM 503 (July 2025) pp. 44-45. MDHHS did not allege that the requested RSDI verification was needed for an MA redetermination. Thus, MDHHS had no apparent need to verify RSDI for MA benefits and should have accepted the client's statement concerning RSDI amount. Given the evidence, the subsequent closure of MA benefits was improper.

⁴ Generally, MDHHS can verify RSDI from a data exchange with the Social Security Administration. MDHHS credibly testified that it was unable to verify Petitioner's RSDI because it was issued under a claim number different from Petitioner's claim number.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly terminated Petitioner's FAP and MA eligibility. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Redetermine Petitioner's FAP eligibility beginning August 2025 subject to the finding that Petitioner made reasonable efforts to provide RSDI verification;
- (1) Reinstate Petitioner's MA eligibility subject to the finding that MDHHS failed to establish a basis for requesting RSDI for purposes of MA benefits; and
- (2) Issue notice and supplements, if any, in accordance with policy.

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



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. 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.

Via Electronic Mail:

Respondent
OAKLAND COUNTY DHHS -
SOUTHFIELD DIST
25620 W 8 MILE RD
SOUTHFIELD, MI 48033
MDHHS-OAKLAND-6303-
HEARINGS@MICHIGAN.GOV

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]