



Date Mailed: January 8, 2026
Docket No.: 25-044496
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED]
[REDACTED]
[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]

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 January 5, 2026. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Angela Ware, Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) and Child Development and Care (CDC) 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. On October [REDACTED] 2025, the Department received Petitioner's application for FAP, CDC, and Medical Assistance (MA) Program benefits.
2. On October [REDACTED] 2025, the Department issued a Notice of Case Action to Petitioner informing her that her group was not eligible for CDC benefits because the children had not met immunization requirements.
3. The Department did not issue a Notice of Case Action regarding Petitioner's FAP eligibility and the reason for denial of the application is unknown prior to Petitioner's request for hearing.
4. On November [REDACTED] 2025, the Department received Petitioner's request for hearing disputing the Department's determination of FAP, CDC, and MA eligibility.
5. At the hearing, Petitioner testified that her concerns related to MA benefits had been resolved and she wanted to withdraw that portion of her hearing request.
6. At the hearing, the Department testified that the Notice of Case Action regarding Petitioner's denial of CDC benefits was inaccurate and that the actual reason for

denial was because Petitioner was not employed and therefore CDC services were unavailable.

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.

In this case, the Department received Petitioner's application for FAP benefits on October 14, 2025 but failed to issue a Notice of Case Action explaining a grant or denial of her application. Policy provides that the FAP standard of promptness is 29 calendar days after the application date and benefits must be available to the client on the 30th day after the application if approved. BAM 115 (October 2025), p. 16. Policy also provides that upon certification of eligibility, the Department must notify the client in writing of any positive or negative actions by generating a Notice of Case Action. BAM 220 (October 2025), p. 2. The Notice of Case Action must specify the actions taken by the Department, the reason for the action, a specific citation to policy with reference to the law supporting the action, a right to request a hearing, and the conditions under which a benefit may continue if a hearing is requested. BAM 220, pp. 2-3. Here, no Notice of Case Action was issued and no explanation for why Petitioner's October 14, 2025 FAP application was denied was provided. Therefore, the Department has not shown that it acted in accordance with Department policy in determining Petitioner's FAP eligibility.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

Petitioner's CDC application was denied based on the Notice of Case Action because her children had not met the immunization requirements and based on testimony because Petitioner was not employed. The goal of CDC is to support low-income families by providing access to affordable and accessible early learning and

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development opportunities and to assist the family in achieving economic independence and self-sufficiency. BEM 703 (October 2024), p. 1. To be eligible for CDC benefits, there are four types of need that must exist including 1) family preservation, 2) high school completion, 3) an approved activity, or 4) employment. BEM 703, p. 4. In two-parent households, both parents' need reasons must be verified at application and redetermination with the appropriate verification. *Id.*

Approved activities include employment preparation and/or training activity or post-secondary education. In either case, the activity or education program must be approved by one of the following: the Department, a one-stop service center (for example, Michigan Works! Association (MWA), refugee services contractor, tribal employment preparation program, Michigan Rehabilitation Services, or the Michigan Department of Lifelong Education Advancement and Potential (MiLEAP) CDC office. BEM 703, pp. 9-10.

Petitioner informed the Department that she was required to participate in the MWA Reemployment Services and Eligibility Assessment and provided the Notice of Opportunity to Receive Reemployment Services. The letter notes that she was selected to participate in the program and would receive "specialized individual assistance from reemployment experts at MWA, learn about services, resources, and training, and develop a customized reemployment plan to meet her goals." It also indicated she had until October 20, 2025, to complete the first step in the program. Based on this information, which was received by the Department on November █, 2025, the Department's denial of her application was premature as the Department failed to request verification of a possible need for Petitioner based on an approved activity with MWA.

The NOCA also indicated that Petitioner's children were denied CDC based on their immunization record. Despite the Notice of Case Action, the Department testified that this was not the actual reason for denial and provided no supporting evidence to indicate that a denial based on immunization history was appropriate. BEM 202 (October 2018). Therefore, the Department has not shown it properly denied Petitioner's CDC application.

DECISION AND ORDER

The portion of Petitioner's request for hearing attributable to MA benefits is **DISMISSED** based upon Petitioner's withdrawal.

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 did not act in accordance with Department policy when it denied Petitioner's FAP and CDC application.

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

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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. Reprocess Petitioner's FAP and CDC application dated October [REDACTED] 2025;
2. If otherwise eligible, issue FAP and/or CDC supplements for benefits not previously received; and,
3. Notify Petitioner in writing of its decisions.



AMANDA MARLER
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://rs.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

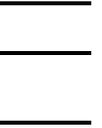
- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

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Via Electronic Mail:

Respondent
WAYNE-SOUTHWEST-DHHS
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Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]